

ALABAMA LAWS

(and Joint Resolutions)

OF THE

LEGISLATURE OF ALABAMA

PASSED AT THE

ORGANIZATIONAL SESSION 1959

FIRST SPECIAL SESSION 1959

SECOND SPECIAL SESSION 1959

REGULAR SESSION 1959

IN TWO VOLUMES

VOL. II



WITH AN INDEX PREPARED BY THE

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Act No. 301

H. J. R. 72—Ashworth, Bailey, Goodwyn,
Pierce, Goldthwaite

HOUSE JOINT RESOLUTION

RESOLVED, That the two houses of the Legislature of Alabama mark with great regret and profound sorrow the death of Jacob M. (Jake) Kreis, highly respected state law enforcement officer of many years devotion to public service, and husband of Mrs. Lessie Kreis, able, conscientious, and beloved chief clerk of the House of Representatives. Mr. Kreis died on Wednesday, October 7, 1959, after an extended illness. His passing is deeply mourned, and the sympathy of the two houses is extended the widow and the surviving members of his family on their great loss.

Approved October 15, 1959.

Time: 11:05 A. M.

Act No. 302

H. J. R. 74—Boyd, Bassett

HOUSE JOINT RESOLUTION

WHEREAS, a beautiful, gracious and talented maid from Pike County, Miss Mildred Nelson, was crowned "Alabama Maid of Cotton for 1960"; and

WHEREAS, this is an honor Miss Nelson richly deserves, for she is not only a beauty but a good student, a singer, an acrobat, a television performer and a young lady of rare charm; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING:

That the Legislature of Alabama takes pride in the fact that Alabama will be represented in the National Maid of Cotton Contest by a young lady of Miss Nelson's beauty, grace and poise; commends the judges for the 1960 Alabama Maid of Cotton Contest for their rare discrimination and good judgment in selecting Miss Nelson as Alabama's representative in the National Contest; congratulates Miss Nelson on having been chosen to represent Alabama; and extends to her the best wishes of her fellow Alabamians for a happy and eventful reign as "Alabama Maid of Cotton for 1960."

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to Miss Nelson and to the Press.

RESOLVED, also, that the two Houses extend to Miss Nelson a cordial invitation to visit the two Houses at such time as may be agreeable to her.

Approved October 15, 1959.

Time: 11:06 A. M.

AN ACT

To confer on each incorporated municipality in this state having a population of less than 6,000 inhabitants according to the last preceding or any subsequent federal census, or any official census taken pursuant to Article 3 of Chapter 10 of Title 37 of the Code of Alabama of 1940, the same powers for the construction of, and the issuance of securities to finance, street and sidewalk improvements and sewer improvements outside of the corporate limits of such incorporated municipality and within its police jurisdiction as it may have under any law now existing or hereafter enacted respecting the construction of, and the issuance of securities to finance, any such improvements within the corporate limits of such incorporated municipality; to confer on each such incorporated municipality the same powers to assess the cost of any such improvements, whether constructed within the incorporated municipality or outside the municipality and within its police jurisdiction, against the properties specially benefited by such improvements whether such properties are located in such incorporated municipality or outside such municipality and within its police jurisdiction, that it may have under any law now existing or hereafter enacted respecting the assessment against properties located in such incorporated municipality of the cost of such improvements constructed in such municipality; to confer on each such municipality the power to finance any such improvements, constructed outside the incorporated municipality and within its police jurisdiction, by the sale and issuance of bonds payable solely out of the proceeds from assessments against the properties specially benefited by such improvements.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following terms wherever used in this act shall have the following respective meanings; "Street improvements" means filling, grading, leveling, graveling, slagging, cherting, macadamizing, paving, draining, or otherwise improving any street, avenue, alley, highway, or other public place, including the construction of sidewalks, curbs and gutters. "Sewer improvements" includes storm water sewers and storm water sewer systems, and sanitary sewers, sanitary sewer systems, sewage treatment plants and sewage disposal plants, and all appurtenances to any such sewers or plants. "Public improvements" means street improvements and sewer improvements, or either of them. "Police jurisdiction" means the territory lying outside the corporate limits of an incorporated municipality but within its police jurisdiction.

Section 2. Construction of Public Improvements and Assessments in Incorporated Municipality and in Police Jurisdiction. Each incorporated municipality in this state having a population of less than 6,000 inhabitants, according to the last preceding or any subsequent federal census, or any official census taken pursuant to Article 3 of Chapter 10 of Title 37 of the Code of Alabama of 1940, shall have the same powers with respect to the construction of public improvements in the police jurisdiction of such incorporated municipality that it may have under any law now existing or hereafter enacted with respect to the construction of public improvements within the corporate limits of such incorpo

rated municipality. Each such incorporated municipality shall have the same powers with respect to the assessment of the cost of public improvements, whether constructed in the incorporated municipality or in such police jurisdiction, against the property specially benefited by such improvements, whether such property is located in such incorporated municipality or in such police jurisdiction, that such incorporated municipality may have under any law now existing or hereafter enacted with respect to assessment of the cost of public improvements constructed within the incorporated municipality against property specially benefited by such improvements and located within the corporate limits of the incorporated municipality. All such laws relating to the making of public improvements within the corporate limits of such incorporated municipality and to the making of public improvement assessments against property located within such corporate limits, and the creation and enforcement of liens securing such assessments, shall apply to any public improvements constructed within the police jurisdiction of such incorporated municipality, to any public improvement assessments made pursuant to the provisions of this act, and to the liens securing such assessments. But no public improvement shall be made under the authority of this Act unless with the written consent of the owner or owners of not less than seventy percent of the frontage of the property to be affected; provided, that in the case of street improvements outside the corporate limits but inside the police jurisdiction of a municipality, consent of the governing body of the county in which said improvements are to be constructed must first be obtained and evidenced by resolution duly entered on the minutes of such county governing body.

Section 3. Issuance of General Obligation Securities. Each such incorporated municipality shall have the same power to issue its general obligation bonds and other general obligation securities, to pay the cost of public improvements constructed in the police jurisdiction of such incorporated municipality, that it may have under any law now existing or hereafter enacted to issue general obligation bonds or other general obligation securities for payment of the cost of public improvements within the incorporated municipality. All such laws relating to the issuance by any such incorporated municipality of general obligation bonds or other general obligation securities to pay the cost of public improvements, where all or any part of such cost is assessed or to be assessed against property located within the corporate limits of the incorporated municipality, shall apply to and govern the issuance and sale of general obligation bonds and other general obligation securities, and the making of any pledges for payment thereof, to obtain money to pay the cost of construction of any public improvements constructed in the police jurisdiction of such incorporated municipality where such cost is assessed or to be assessed as provided in this act.

Section 4. Issuance of Bonds Payable Solely out of the Proceeds from Assessments. Each such incorporated municipality shall also have the power to finance the construction of public improvements in the police jurisdiction of such incorporated municipality by the issuance of its bonds payable solely out of the proceeds from assessments then made or to be thereafter made against the properties specially benefited by such improvements. Any such bonds shall not be general obligations of such incorporated municipality, and such incorporated municipality shall not be in any way liable to the holders of such bonds in the event of the failure to collect any of the assessments out of the proceeds from which such securities may be payable. Any such bonds shall pledge, convey and transfer to the holders thereof all of the issuing incorporated municipality's right, title, and interest in and to such assessments and the incorporated municipality's liens securing such assessments, together with the right to enforce the collection of such assessments by foreclosure of such liens in any court of competent jurisdiction. If the holder of any bond issued pursuant to the provisions of this section shall institute a foreclosure suit in any court against any property subject to a lien securing any such assessment, such holder shall be entitled to have the proceeds of said suit applied pro rata to the payment of the bond or bonds of such holder and all other bonds issued under this section and payable from the proceeds of the same assessments, to the end that not more than one foreclosure suit shall be brought against any one lot or parcel of land. The costs of any such foreclosure suit, including a reasonable attorney's fee in any case where the bond holder bringing such suit is represented therein by an attorney, shall be ascertained by the court and deducted from the proceeds derived from said suit before such proceeds are prorated, as herein provided for. Any bonds issued under the provisions of this section shall be subject to the provisions of subdivision 2 of Article 2 of Chapter 6 of Title 37 of the Code of Alabama, as said subdivision presently exists and as it may hereafter be amended, and to all other provisions of law now existing or hereafter enacted with respect to the sale and issuance by such incorporated municipality of general obligation bonds for the purpose of financing public improvements within the incorporated municipality the cost of which is to be assessed wholly or in part against the properties specially benefited thereby; provided, however, that any bonds issued under the provisions of this section shall not constitute general obligations of the issuing incorporated municipality but shall be payable solely from the proceeds of assessments as provided in this section.

Section 5. Severability. In the event that any section, sentence, clause or provision of this act shall be held or declared invalid by any court of competent jurisdiction, such adjudication shall not affect the remaining sections, sentences, clauses and provisions of this act, but it is the legislative intention in passing this

act that such remaining sections, sentences, clauses, and provisions shall nevertheless stand and continue effective.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 15, 1959.

Time: 11:07 A. M.

Act No. 304

H. 625—Nichols

AN ACT

To amend an act approved August 16, 1957 entitled "An Act to alter, rearrange and extend the corporate limits of the City of Sylacauga, Talladega County, Alabama" (Act No. 286, H. 828, Acts 1957 Reg. Sess., p. 365) so as to exclude certain territory annexed to the city by said act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of an act approved August 16, 1957 entitled "An Act to alter, rearrange and extend the corporate limits of the City of Sylacauga, Talladega County, Alabama" (Act No. 286, H. 828, Acts 1957 Reg. Sess., p. 365) is amended to read as follows:

"Section 1. That the corporate limits of the City of Sylacauga, Talladega County, Alabama, be changed and extended to include the following territory:

"The Southeast Quarter of Section 17 of Township 21 South of Range 4 East; the North Half of the Northeast Quarter; the Northwest Quarter of the Southeast Quarter; all in Section 20 of Township South of Range 4 East; all of the same being in Talladega County, Alabama."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 15, 1959.

Time: 11:08 A. M.

Act No. 305

H. 626—Nichols

AN ACT

To amend an act approved August 16, 1957 entitled "An Act to alter, rearrange and extend the corporate limits of the City of Sylacauga, Talladega County, Alabama" (Act No. 288, H. 830, Acts 1957 Reg. Sess., p. 367) so as to exclude certain territory annexed to the city by said act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of an act approved August 16, 1957 entitled "An Act to alter, rearrange and extend the corporate limits of the City of Sylacauga, Talladega County, Alabama" (Act No. 288, H. 830, Acts 1957 Reg. Sess., p. 367) is amended to read as follows:

"Section 1. That the corporate limits of the City of Sylacauga, Talladega County, Alabama, be changed and extended to include the following territory:

"The Northwest Quarter of the Southwest Quarter of Section 16, Township 21 South of Range 4 East, in Talladega County, Alabama."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 15, 1959.

Time: 11:09 A. M.

Act No. 306

H. 696—McCorquodale

AN ACT

To provide that clerks of county courts in all counties having a population of not less than 26,000, nor more than 26,600, according to the most recent federal decennial census, may take affidavits and complaints and issue warrants of arrest in misdemeanor cases.

Be It Enacted by the Legislature of Alabama:

Section 1. In counties having a population of not less than 26,000, nor more than 26,600, according to the most recent federal decennial census, the clerk of the county court may take affidavits and complaints in misdemeanor cases and may issue warrants of arrest in such cases returnable to the county court. And such complaints and warrants shall have the same legal force and effect as though the same had been taken or issued by the judge of the county court.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 15, 1959.

Time: 11:10 A. M.

AN ACT

Relating to and providing for the reidentification of electors in Coffee County; directing the board of registrars to purge the lists of registered electors; and providing the penalty for anyone willfully making a false statement in connection with such reidentification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Coffee County is hereby directed to purge all lists of the registered electors of the county to the end that the names of all who are deceased or nonresidents of the county, or who have otherwise become disqualified from voting therein, shall be removed from such lists and to the end that the name of each qualified elector shall appear only on the list of qualified electors for the district and precinct in which he resides.

Section 2. The board of registrars of Coffee County shall omit and remove from the lists of qualified electors of the county the name of every person who fails to reidentify himself in one of the ways hereinafter provided before the first day of October, 1962; provided, however, that no one who has registered as a qualified elector of the county since January 1, 1959, shall be required to reidentify himself. No person removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector, nor be subject to re-registration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote at elections held in the county after the first day of October, 1962.

Section 3. A qualified elector may reidentify himself in any one of the following ways:

(a) He may reidentify himself by appearing in person at the office of the board of registrars or the judge of probate of Coffee County, or before one of the duly authorized employees of the judge of probate, and answering such questions and submitting such proof as may be set forth hereinafter to establish the elector's identity and place of legal residence and that the elector has not become disqualified from voting in the county. The judge of probate shall deliver all completed questionnaires to the chairman of the board of registrars once a month.

(b) He may also reidentify himself at any election at which the elector votes prior to October 1, 1962, by answering and signing the questionnaire hereinafter provided for, in the presence of a clerk, manager, inspector, or returning officer at such election, who also shall sign the questionnaire as an attesting witness. The managers at each polling place shall see to it that each voter is offered a blank questionnaire form and is requested to complete

it, and shall also provide a box or other receptacle in which completed questionnaires shall be deposited and held until the polls are closed. The returning officer shall transmit the signed questionnaires to the judge of probate who shall transmit them to the chairman of the board of registrars.

(c) A qualified elector who is on active duty in the Armed Forces of the United States, or the husband or wife of a member of the Armed Forces on active duty, may also reidentify himself or herself by filling in and mailing to the office of the judge of probate the completed answers to such questions as are set forth in the questionnaire hereinafter detailed, and the elector's signature to such questionnaire must be witnessed by a commissioned officer of the Armed Forces. Blank questionnaire forms shall be mailed to members of the Armed Forces upon their request.

(d) The board of registrars shall furnish a sufficient number of blank questionnaires to the judge of probate, and also to the sheriff, party executive committee, or other officer, agency, or committee charged with the duty of sending out election supplies who shall cause a sufficient number thereof to be sent to each voting place at each election to be held prior to October 1, 1962.

(e) The questionnaire shall be in substantially the following form:

VOTERS REIDENTIFICATION QUESTIONNAIRE

Date: _____, 19____

Name: _____

(First) (Middle) or (Maiden) (Last)

Legal Residence Address: _____

(Street or Route)

City or Town: _____

State: _____

Date of Birth: _____ Sex _____ Color _____

I now vote and I am a qualified elector in Precinct or Beat No. _____, Box No. _____, and I have not been convicted of a criminal offense which disqualifies me from voting nor am I otherwise disqualified from voting in this county.

I have resided in Precinct or Beat No. _____ for the past three months.

Signed: _____

(Signature of Elector)

Witnessed before me this the _____ day of _____, 19____

Registrar-Judge of Probate-Election Official-Commissioner
Officer U. S. Armed Forces.

Section 4. Any qualified elector of Coffee County who shall have his or her name omitted or removed from the lists of quali-

fied electors in the county by reason of his or her failure to reidentify himself or herself as hereinabove provided, or whose name is otherwise purged therefrom, shall be entitled to have his or her name restored to the list of qualified electors by appearing in person and reidentifying himself or herself in person at the office of the board of registrars or judge of probate in the manner hereinabove provided. However, after September 1, 1962, every qualified elector must have reidentified himself or herself at least thirty days prior to voting.

Section 5. Whoever knowingly makes a false statement in answer to the reidentification questionnaire to the board of registrars or the judge of probate or the duly authorized employees of the judge of probate or to the clerk, manager, inspector or returning officer or to the commissioned officer of the United States Armed Forces, is guilty of perjury, and upon conviction shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years.

Section 6. The court of county commissioners, board of revenue, or like governing body of Coffee County, is hereby authorized and directed to furnish the board of registrars and the judge of probate the supplies, equipment, printed forms, stationery, stamps, clerical help and advertisements necessary for the reidentification of voters as herein provided.

Section 7. The board of registrars shall meet as often as necessary and on such dates as the board may by order fix for the purpose of purging the list of qualified electors of the county. The board may meet any number of days not exceeding thirty days from October 1, 1962, until April 1, 1963, in excess of the maximum now provided by law, for the purpose of purging such list, and shall be entitled to the same per diem allowances for meeting on such dates, in excess of the maximum, as now provided by law. The chairman of the board of registrars shall secure from the local registrar of vital statistics, before each purging session of the board, the names of all persons over age 21 who have died in the county since the last purging session of the board, and shall likewise secure from the clerk of the circuit court the names of all persons over age 21 who have been convicted in the county of a disqualifying crime.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 15, 1959.
Time: 11:11 A. M.

Act No. 308

H. 672—Faulk

AN ACT

To amend Section 2, Item III, A (35) of Act No. 98, approved June 25, 1959, entitled "An Act To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2, Item III, A (35) of Act No. 98, approved June 25, 1959, entitled "An Act To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.", be and the same is hereby amended to read as follows:

(35) For Prevention and Control of Diseases of Swine:	
For salaries	41,000.00
For other expenses	19,250.00
For equipment purchases	3,750.00
For purchases of vaccine and serum	36,000.00
Total	100,000.00

This appropriation to be expended by the State Veterinarian at the direction of the Commissioner of Agriculture.

Approved October 15, 1959.

Time: 11:12 A. M.

Act No. 309

H. 594—Perry, Sessions, Camp, Boyd, Torbert, Thomas, Pierce, Roberts, Meade, Goodwyn, Hocklander, Trimmier, Hawkins, Oden, Dodd.

AN ACT

To amend Section 2 of the act entitled "An Act to raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented," which becomes effective October 1, 1959.

Be It Enacted by the Legislature of Alabama:

Section 2 of the act entitled "An Act to raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented," is amended to read as follows:

"Section 2. There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

"(a) Upon every person, firm, or corporation, (including the State of Alabama and its Alcoholic Beverage Control Board in the sale of alcoholic beverages of all kinds, the University of Alabama, Alabama Polytechnic Institute and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of such institutions) engaged, or continuing within this state, in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks), an amount equal to three percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business. Provided that where all the sales of a company are single sales of peanut products, milk products, coffee, and confections sold in dispensing machines located in industrial plants or on private property for employees where such machines dispense exclusively articles not to exceed ten cents (10c) per sale, and the person operating such machines shall be engaged in the business of selling exclusively articles not to exceed ten cents (10c) per sale and shall file with the State Department of Revenue a sworn statement to that effect and shall keep and maintain records satisfactory to the State Department of Revenue, the gross receipts tax herein provided for shall not be levied.

"(b) Upon every person, firm or corporation engaged, or continuing within this state, in the business of conducting, or operating, places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, or county,

or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the State of Alabama, an amount equal to three percent of the gross receipts of any such business.

“(c) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily so used, an amount equal to one and one-half percent of the gross proceeds of the sale of such machines, attachments, parts and replacements therefor.

“(d) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one and one-half percent of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer.

“Where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.”

Passed by the House September 29, 1959.

Amended, and passed by the Senate October 9, 1959.

House concurred in Senate Amendment October 9, 1959.

This Act became law under Section 125 of the Constitution.

Filed in the office of the Secretary of State October 26, 1959.

Time: 9:15 A. M.

Act No. 310

H. 765—Callahan, Hanby, Dodd, Jenkins, Cabiness, Branyon, Hearn, McClendon (Chambers), Jones (Monroe), Daniel, Bishop, Ramey, Bailey, Chambers, Albea, Johnston (Leonard), Meade, Sullivan, McClendon (Bullock), Brewer, Speaks, Jones (Covington), Rozelle, Glass, Cook, Beville, Cates, Johnson (Hardaway), Sal-

ter, Phillips, Harris, Solomon, Rogers, Copeland, Hankins, Oden, Britton, Ashworth, Reynolds (Madison), Trimmier, Locke, Self, Hain, Turnham, Hardy, Avery, Harvey, Faulk, Grouby, Gilmer, Taylor, Broadfoot, Brannan, Powell, Smith (St. Clair), Grant, Ferguson, Nettles, Merrill, Roberts, Reynolds (Chambers), Adams (Houston), Hocklander, Rast, Nichols, Gilchrist, Martin, Barnett, Long (Perry), Owens, Long (Lauderdale)

AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing the issuance of not exceeding \$3,000,000 principal amount of General Obligation Bonds of the State of Alabama for construction and equipment of a hospital building for mental patients to constitute a part of the University of Alabama Medical Center.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed and shall become valid as a part of the constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

"The State is authorized to become indebted and to issue interest bearing bonds, in addition to those heretofore authorized and sold, in an aggregate principal amount not exceeding \$3,000,000. The proceeds derived from the sale of said bonds shall be used solely for the purpose of paying the expenses incurred in the sale and issuance thereof and for the construction and equipment of a hospital building to constitute a part of the University of Alabama Medical Center, and to be used for the care and treatment of mental patients and for training of medical students in the field of mental illness. Said bonds shall be sold only at a duly advertised public sale or sales, upon sealed bids or at auction, to the bidder whose bid reflects the lowest net interest cost to the state for the bonds offered for sale, and shall be sold at not less than their face value plus accrued interest thereon. Said bonds shall be direct general obligations of the state and for the prompt and faithful payment of the principal thereof and interest thereon the full faith and credit of the state are hereby irrevocably pledged. In addition thereto, there is hereby specifically and irrevocably pledged for payment of the principal of and interest on said bonds, pro rata and without priority of one bond over another by reason of prior issuance

or otherwise, so much as may be necessary for said purpose of those portions of the state taxes on the sale of spirituous or vinous liquors and of the state license taxes on those selling, storing or receiving for distribution malt or brewed beverages that are required by law on the date of the adoption of this amendment to be paid into the Alabama Special Mental Health Fund. The said special pledge shall create a charge on the tax proceeds herein specially pledged prior to all other charges or expenses for mental health purposes or any other purposes whatsoever. The bonds issued under this amendment and the income therefrom shall be exempt from all taxation in the State of Alabama. The Legislature shall adopt appropriate enabling legislation to carry out the intent and purpose of this amendment."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held pursuant to the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama of 1940, as amended.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation by the Governor published in a newspaper in each county in the state once a week for four successive weeks next preceding the day herein appointed for the election, and in any county in which there may be no newspaper published the notice shall be posted at each courthouse therein.

Constitutional Amendment.

Passed the House October 6, 1959.

Passed the Senate October 16, 1959.

Act No. 311

H. 706—Oden

AN ACT

Proposing an amendment to the Constitution of Alabama relating to the industrial development of Franklin County and the municipalities therein.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor.

Proposed Amendment

"Any provision of the Constitution or laws of the State of Alabama to the contrary notwithstanding, Franklin County, or

any municipality in Franklin County, shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

"1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

"2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subdivision 1 above, to any person, firm, association or corporation.

"3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein.

"4. To become a stockholder in any corporation, association or company.

"5. To lend this credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever.

"6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of Franklin County, or the municipality therein, as the case may be, or may be limited as to the source of their payment.

"7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in Franklin County, or upon all property in the municipality, as the case may be, or upon all property in any district the boundaries of which the governing body of the county or the municipality, as the case may be, shall describe and which it shall determine to be specifically improved and benefited by any proposed use or expenditure of the proceeds of such tax.

"8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual pro-

ceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

"9. To create a public authority or corporation having such powers, managed and governed by such board or governing body, and subject to such limitations as the governing body of the county or the governing body of the municipality, as the case may be, may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the Secretary of State, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this amendment upon Franklin County or any municipality therein.

"The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of Franklin County or any municipality therein for the purpose of determining the borrowing capacity of the county or any such municipality, as the case may be, under Sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in Sections 215 and 216 of the Constitution and all amendments thereto.

"This amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth.

"10. Neither Franklin County, nor any municipality in Franklin County, shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the county or of the municipality therein, as the case may be. The governing body of the county, or of the municipality, as the case may be, may provide for holding such election, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House September 29, 1959.

Passed the Senate October 27, 1959.

Act No. 312

H. 760—Callahan, Hanby, Dodd, Jenkins, Cabiness, Branyon, Hearn, McClendon (Chambers), Jones (Monroe), Johnston (Leonard), Daniel, Bishop, Bailey, Chambers, Ramey, Albea, Meade, Sullivan, Brewer, Speaks, Jones (Covington), Rozelle, Bevill, Glass, Cook, Johnson (Hardaway), Salter, Phillips, Harris, Solomon, Rogers, Copeland, Hankins, Oden, Britton, Ashworth, Reynolds (Madison), Trimmier, Thomas, Hain, Self, Turnham, Hardy, Avery, Harvey, Faulk, Gilmer, Grouby, Taylor, Broadfoot, Smith (St. Clair), Roberts, Brannan, Powell, Nettles, Merrill, Reynolds (Chambers), Adams (Houston), Hocklander, Rast, Nichols, Gilchrist, Martin, Barnett, Owens, Long (Lauderdale), Ferguson, McLendon (Bullock)

AN ACT

To further provide for and raise revenue for the State of Alabama; to levy an additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board, the said tax to be measured by the selling price of such liquors, exclusive of the taxes heretofore levied with respect thereto; to provide that the said selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for payment of the proceeds from said tax into the state treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The word, "Board," wherever used in this act, shall mean the Alabama Alcoholic Beverage Control Board provided for in Chapter 1 of Title 29 of the Code of Alabama of 1940. The term "Selling price", wherever used in this act shall mean the total marked-up price of spirituous or vinous liquors sold by the Board, exclusive of the taxes heretofore levied with respect thereto.

Section 2. Levy of Tax. In addition to all other taxes of every kind now imposed by law, and in addition to any marked-up price authorized or required by law, there is hereby levied and shall be collected a tax at the rate of ten percent (10%) upon the selling price of all spirituous or vinous liquors sold by the Board. The tax hereby imposed shall be collected by the Board from the purchaser at the time the purchase price is paid. One-half of the proceeds derived from the tax shall be deposited in the state treasury to the credit of the Public Welfare Trust Fund and shall be used for old age assistance only and is hereby appropriated therefor. The remainder of such proceeds from the tax herein levied shall be deposited in the state treasury to the credit of a special fund which shall be designated the Alabama Special Mental Health Fund, and shall be used only for mental health purposes, including the prevention of mental illness, the care and treatment of the mentally ill and the mentally deficient, and the acquisition, equipment, operation and maintenance of facilities for mental health purposes. Provided, that during the biennium beginning October 1, 1959 and ending September 30, 1961 such deposits shall be credited to these special funds in the state treasury at the end of each month, and then only in the event there shall have been deposited by the Board in the ABC Stores Fund and the Public Welfare Trust Fund during such month such amounts as may be equal to or greater than 105.5 percent of the amounts deposited in such funds during the corresponding month of the preceding fiscal year; if lesser amounts were so deposited, then as much of the proceeds of the tax levied in this Act as may be needed to make up the deficit shall be diverted for such purpose and the remainder of such proceeds shall be deposited as hereinabove provided.

Section 3. Tax not to be absorbed but passed on to purchaser. The mark-up as currently established by the Board on spirituous or vinous liquors shall not be reduced by the Board for the purpose of absorbing the tax herein levied; it being the intention hereof that the said tax shall be passed on to the purchaser.

Section 4. This Act shall take effect December 1, 1959.

Approved October 29, 1959.
Time: 5:51 P. M.

Act No. 313

H. 149—Ferguson, Callahan, Speaks, Lee

AN ACT

Relating to marital relations; providing that the marriage of any male resident of this state over the age of eighteen years relieves him of the disabilities of minority.

Be It Enacted by the Legislature of Alabama:

Section 1. The marriage of any male person in this state, who is under twenty-one and over eighteen years of age, or any male person who becomes a widower in this state, who is under twenty-one and over eighteen years of age, or, at the arrival at the age of eighteen years of any married male person, or widower in this state, has the effect immediately to remove his, or their disabilities of minority; and thereafter he has the same legal rights and abilities as married male persons, or widowers over twenty-one years of age.

Section 2. This Act shall apply to a person who married before the effective date, but shall not abrogate any defense or abridge any remedy available to him prior to such date.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1959.

Time: 5:45 P. M.

Act No. 314

H. 254—Hanby

AN ACT

To amend further Section 25 of Title 36, Code of Alabama 1940, which relates to the stopping of motor vehicles upon the paved or main traveled portion of a highway.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 25 of Title 36 of the Code of Alabama 1940, as amended, is further amended to read as follows:

"Section 25. (a) No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled portion of any highway, outside of a business or residence district, when it is practicable to park or leave such vehicle standing off of the paved or improved or main traveled portion of such highway; provided, in no event shall any person park or leave standing any vehicle, whether attended, or unattended, upon any highway unless a clear and unobstructed width of not less than fifteen feet upon the main traveled portion of said highway opposite such standing vehicle shall be left for free passage of other vehicles thereon, nor unless a clear view

of such vehicle may be obtained from a distance of two hundred feet in each direction upon such highway.

“(b) Whenever any peace officer shall find a vehicle standing upon a highway in violation of the provisions of this section, he is hereby authorized to move such vehicle or require the driver or persons in charge of such vehicle to move such vehicle to a position permitted under this section.

“(c) The provisions of this section shall not apply to the driver of any vehicle nor to any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impractical to avoid stopping and temporarily leaving such vehicle in such position. And the provisions of this section shall not apply to any vehicle nor to the driver of any vehicle engaged in the business of carrying passengers for hire and operating over a fixed route and between regular termini operating under authority of the interstate commerce commission of the United States or under authority of the Alabama public service commission or any federal, state, or municipal authority while stopped on the right hand side of the highway to pick up or discharge passengers, nor to any vehicle nor to the driver thereof engaged in the official delivery of the United States mail when stopped on the right hand side of the highway for the purpose of picking up or delivering mail, if a clear view of the vehicle may be obtained from a distance of three hundred feet in each direction upon such highway and if a flashing red light not less than 4” in diameter with the letters STOP printed thereon is attached to the rear of such vehicle and a uniform sign not less than 14” in diameter, approved by the Department of Public Safety, with the words printed thereon, U. S. MAIL, WATCH FOR STOPS, is attached to the rear of such vehicle. Nothing herein shall be construed to exempt any vehicle from the provisions of section 46 of this title. Any person violating any provision of this section shall be guilty of a misdemeanor and upon conviction, shall be punished as provided in section 30 of this title.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1959.

Time: 5:46 P. M.

Act No. 315

H. 459—Hocklander, Murphy

AN ACT

To amend further Section 254 of Title 13, Code of Alabama (1940), which relates to the appointment and compensation of deputy circuit solicitors of the thirteenth judicial circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 254 of Title 13, Code of Alabama (1940), as amended, is amended further to read as follows:

"Section 254. The circuit solicitor of the thirteenth judicial circuit may appoint four deputies or assistant solicitors, who shall be appointed and serve in lieu of all other deputy circuit solicitors heretofore provided for by law. The four deputy circuit solicitors or assistants herein provided for shall serve at the pleasure of the circuit solicitor, and each shall be assigned a numbered position and receive compensation as follows:

"(a) Deputy No. 1 may serve either full time or part time, as the solicitor may determine. If the deputy serves full time he is entitled to an annual salary of eight thousand four hundred dollars, six thousand dollars of which shall be paid from the state treasury and the remainder shall be paid by the county; but if he only serves part time, he is entitled to an annual salary of six thousand dollars, all of which shall be paid from the state treasury.

"(b) Deputy No. 2 may serve either full time or part time, as the solicitor may determine. If the deputy serves full time he is entitled to an annual salary of seven thousand two hundred dollars, four thousand eight hundred dollars of which shall be paid from the state treasury and the remainder shall be paid by the county; but if he serves only part time, he is entitled to an annual salary of four thousand eight hundred dollars, all of which shall be paid from the state treasury.

"(c) Deputy No. 3 shall serve part time only and is entitled to a salary of three thousand six hundred dollars a year, of which three thousand dollars shall be payable from the state treasury and the remainder shall be paid by the county.

"(d) Deputy No. 4 shall serve part time only and is entitled to a salary of three thousand dollars a year, one thousand eight hundred dollars of which shall be paid from the state treasury and the remainder shall be paid by the county.

"The salaries of the deputy solicitors herein provided for shall be paid in equal monthly installments on warrants drawn in the manner prescribed by law. When any deputy of the solicitor serves part time only, he shall not be subject to the restrictions against practicing law prescribed by subsection 12 of Section 229 of this title."

Section 2. Provided that should the Circuit Solicitor of the Thirteenth Judicial Circuit elect to fill the positions of the Deputy Solicitor #1 and Deputy Solicitor #2 with full time deputy solicitors, then the position of deputy solicitor #4 shall not be filled, but shall remain vacant so long as both positions 1 and 2 are filled with full time men.

Section 3. This Act shall become effective on the first day of October, 1959.

Approved October 29, 1959.

Time: 5:47 P. M.

Act No. 316

H. 642—Phillips

AN ACT

Relating to and providing for the reidentification of electors in Choctaw County; directing the board of registrars to purge the lists of registered electors; and providing the penalty for anyone willfully making a false statement in connection with such reidentification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Choctaw County is hereby directed to purge all lists of the registered electors of Choctaw County to the end that the names of all who are deceased or nonresidents of the county, or who have otherwise become disqualified from voting therein, shall be removed from such lists and to the end that the name of each qualified elector shall appear only on the list of qualified electors for the district, precinct and box where he resides.

Section 2. The board of registrars of Choctaw County shall omit and remove from the lists of qualified electors of the county the name of every person who fails to reidentify himself in one of the ways hereinafter provided before the first day of October, 1962. It is provided, however, that no person who has registered as a qualified elector of the county since January 1, 1959, shall be required to reidentify himself. No person removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector, nor be subject to re-registration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote at elections held in the county after the first day of October, 1962.

Section 3. A qualified elector may reidentify himself in any one of the following ways:

(a) He may reidentify himself by appearing in person before any member of the board of registrars and answering such questions and submitting such proof as may be set forth hereinafter to establish the elector's identity and place of legal residence and that the elector has not become disqualified from voting in the county.

(b) He may also reidentify himself at any election at which the elector votes prior to October 1, 1962, by answering and signing the questionnaire hereinafter provided for in the presence of

a clerk, manager, inspector, or returning officer at such election, who also shall sign the questionnaire as an attesting witness. The returning officer shall transmit each signed questionnaire to the clerk of the circuit court for transmittal to the board of registrars.

(c) A qualified elector who is on active duty in the Armed Forces of the United States, or the husband or wife of a member of the Armed Forces on active duty, may also reidentify himself or herself by filling in and mailing to the chairman of the board of registrars the completed answers to such questions as are set forth in the questionnaire hereinafter detailed, and the elector's signature to such questionnaire must be witnessed by a commissioned officer of the Armed Forces.

(d) The board of registrars shall furnish a sufficient number of blank questionnaires to the judge of probate, and also to the sheriff, party executive committee, or other officer, agency, or committee charged with the duty of sending out election supplies, who shall cause a sufficient number thereof to be sent to each voting place at each election to be held prior to October 1, 1962.

(e) The questionnaire shall be in substantially the following form:

VOTERS REIDENTIFICATION QUESTIONNAIRE

Choctaw County, Alabama

Date: _____, 19_____

Name: _____

(First) (Middle) or (Maiden) (Last)

Legal Residence Address: _____

(Street or Route)

City or Town: _____

State: _____

Date of Birth: _____ Sex _____ Color _____

I now vote and I am a qualified elector in Precinct or Beat No. _____, Box No. _____, and I have not been convicted of a criminal offense which disqualifies me from voting nor am I otherwise disqualified from voting in Choctaw County.

I have resided in Precinct or Beat No. _____ for the past three months.

Signed: _____

(Signature of Elector)

Witnessed before me this the _____ day of _____, 19_____.

Registrar-Election Official-Commissioned Officer U. S.
Armed Forces.

Section 4. Any qualified elector of Choctaw County who shall

have his or her name omitted or removed from the lists of qualified electors in the county by reason of his or her failure to reidentify himself or herself as hereinabove provided, or whose name is otherwise purged therefrom, shall be entitled to have his or her name restored to the list of qualified electors by appearing in person and reidentifying himself or herself in person before any member of the board of registrars or in the manner hereinabove provided. However, after September 1, 1962, every qualified elector must have reidentified himself or herself at last thirty days prior to voting.

Section 5. Whoever knowingly makes a false statement in answer to the reidentification questionnaire to the board of registrars, or to the clerk, manager, inspector, or returning officer, or to the commissioned officer of the United States Armed Forces, is guilty of perjury, and upon conviction shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years.

Section 6. The court of county commissioners, board of revenue, or like governing body of Choctaw County, is hereby authorized and directed to furnish the board of registrars the supplies, equipment, printed forms, stationery, stamps, and advertisements necessary for the reidentification of voters as herein provided, and shall also provide for the payment of the compensation of registrars for the additional days they work as provided in Section 7.

Section 7. The board may meet any number of days between October 1, 1962 and April 1, 1963, not exceeding thirty days in excess of the maximum now provided by law, for the purpose of purging such list, and shall be entitled to the same per diem allowances for meeting on such dates, in excess of the maximum, as now provided by law.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1959.
Time: 5:48 P. M.

Act No. 317

H. 645—Callahan, Ferguson

AN ACT

To apply in all counties of this State having a population of not less than 94,000 and not more than 134,000 according to the latest or any subsequent Federal decennial census and to allow the Boards of Revenue or

other like governing body of such counties to fix and set aside, by resolution, certain days of the week for the closing of the offices in the court house of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. That this Act shall apply in all counties of Alabama having a population of not less than 94,000 nor more than 134,000 according to the latest or any subsequent Federal decennial census.

Section 2. That in all counties of this State coming within the purview of this Act, the Board of Revenue or like governing body of such county is hereby authorized to fix and set aside and designate, by resolution, from time to time, one day out of each week other than Sundays for all court house offices and other county offices to be closed.

Section 3. This Act shall become effective immediately after its passage and approval by the Governor or its otherwise becoming a law.

Section 4. All laws and parts of laws in conflict with this Act are hereby expressly repealed.

Approved October 29, 1959.

Time: 5:48 P. M.

Act No. 318

H. 651—Camp, Nichols

AN ACT

To make additional appropriations to the Alabama Institute for Deaf and Blind for each of the fiscal years ending September 30, 1960, and September 30, 1961.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of forty-eight thousand dollars (\$48,000) is hereby appropriated from the Alabama special educational trust fund for each of the fiscal years ending September 30, 1960, and September 30, 1961, to the Alabama Institute for Deaf and Blind. Such appropriation shall be in addition to the appropriations made by Act No. 110, H. 1, approved August 24, 1959, and shall be released and paid out in the same manner as such appropriations.

Section 2. This Act shall take effect October 1, 1959, or if enacted after that date, it shall take effect immediately.

Approved October 29, 1959.

Time: 5:49 P. M.

Act No. 319

H. 721—Pierce, Goodwyn, Bailey

AN ACT

To amend further Section 30½ of the act approved September 20, 1957, regulating the practice of cosmetology (Act No. 653, H. 489, Acts 1957, Vol. II, p. 981).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 30½ of the act approved September 20, 1957, regulating the practice of cosmetology (Act No. 653, H. 489, Acts 1957, Vol. II, p. 981), as amended, is amended further to read as follows:

“Section 30½. The provisions of this Act shall not apply to any county having a population of 400,000 or more, according to the last or any subsequent federal decennial census, nor to any county having a population of not less than 28,000 nor more than 28,900, any county having a population of not less than 16,000 nor more than 16,300, any county having a population of not less than 18,000 nor more than 18,100, any county having a population of not less than 29,300 nor more than 29,800, any county having a population of not less than 20,830 nor more than 20,840, any county having a population of not less than 29,400 nor more than 29,500, or any county having a population of not less than 47,000 nor more than 52,000, according to the last or any subsequent federal decennial census.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1959.

Time: 5:50 P. M.

Act No. 320

H. 791—Hocklander

AN ACT

To fix the compensation of the clerk of the Inferior Civil Court of Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. That the salary of the ex-officio clerk of the Inferior Civil Court in Mobile County is hereby fixed at twelve hundred (\$1,200) dollars per annum, payable in twelve monthly installments out of the Treasury of Mobile County.

Section 2. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This act shall go into effect upon its passage and approval of the governor.

Approved October 29, 1959.

Time: 5:52 P. M.

Act No. 321

H. 814—Branyon, Self

AN ACT

To alter, extend and rearrange the boundary line and corporate limits of the Town of Glen Allen in Marion and Fayette Counties, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Glen Allen in Marion and Fayette Counties, Alabama, are hereby altered, extended, and rearranged so that in addition to the territory presently described herein will be and lie within the boundaries and corporate limits of such town:

The SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 18, Township 13 South Range 11, West; SW $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ of SW $\frac{1}{4}$, S $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$, All in Section 13, Township 13, South, Range 12 West all situated, lying and being in Marion County, Alabama, and the NE $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of NE $\frac{1}{4}$, E $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$. All in Section 24, Township 13, South, Range 12, West all situated, lying and being in Fayette County, Alabama. SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 19, Township 13 South, Range 11 West, Fayette County, Alabama. The NW $\frac{1}{4}$ of NE $\frac{1}{4}$, W $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ and the W $\frac{1}{2}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ all in Section 25, Township 13, South, Range 12, West, Fayette County, Alabama.

SECTION 2: This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1959.

Time: 5:53 P. M.

Act No. 322

H. 822—Edwards, Sessions, Hawkins, Locke,
Rast, Morrow, Perry

AN ACT

To apply in and only in counties in Alabama having a population of 400,000 inhabitants or more, according to the last or any subsequent Federal census, and to empower and authorize the County Commission, board of revenue, or like governing body of all such counties to authorize and approve a monetary allowance not to exceed the sum of Six Hundred Dollars annually, payable in monthly installments, to be made to the Judge of Probate in such county for and on account of the use of an automobile owned or controlled by such Judge of Probate in the event such automobile is used by such Judge of Probate partially or entirely in connection with the performance of his official duties as such Judge of Probate, which sum shall include any other expenses incurred by such Judge of Probate in travelling in his official duties.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in and only in counties in Ala-

bama having a population of 400,000 inhabitants or more, according to the last or any subsequent Federal census. From and after January 1, 1959, the County Commission, board of revenue, or like governing body in such counties is hereby authorized and empowered to authorize and approve a monetary allowance not to exceed the sum of six hundred dollars annually, which sum shall be payable in monthly installments, to be made to the Judge of Probate in such county for and on account of the use of an automobile owned or controlled by such Judge of Probate in such county in the event such automobile is used by such Judge of Probate, partially or entirely, in connection with the performance of his official duties as such Judge of Probate, which sum shall include any other expenses by such Judge of Probate in travelling in his official duties.

Section 2. This Act shall take effect for the year 1959 and thereafter, immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1959.

Time: 5:54 P. M.

Act No. 323

H. 828—Goodwyn, Goldthwaite,
Bailey, Pierce

AN ACT

To encourage and promote medical and scientific research and the establishment of medical research facilities, and the development of scientific research devices, by exempting certain activities, persons, organizations, and properties from building and zoning restrictions, permits, and fees, and public health and sanitary inspection fees, charges, and limitations, in all counties having a population of not less than 125,000 nor more than 225,000, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in all counties having a population of not less than 125,000 nor more than 225,000, according to the most recent federal decennial census.

Section 2. The Legislature of Alabama finds and declares that in certain populous counties of the state there are present now, and will continue to be present for a long time to come, conditions favorable to the development of medical research facilities, and it is in the public interest to encourage and promote medical and scientific research in such areas, the establishment of medical research hospitals, medical centers, research centers, and related or allied facilities, and the development of scientific research devices therein. Therefore, this Act shall be liberally construed to effectuate such purpose.

Section 3. Any person, association of persons, or corporation engaged in the operation or establishment of any hospital, medical center, research center, clinic, or other like facility where medical research is carried on as a primary objective, on a non-profit basis, together with all lands, buildings, structures, and appurtenances thereto that are devoted to such uses and purpose, are hereby exempted from such state, municipal, or county building and zoning restrictions, permits, or fees as may be imposed by statute, ordinance, or rule or regulation adopted by any governmental administrative agency, and shall likewise be exempt from all state or municipal public health and sanitary inspection fees, permit charges or requirements, and other limitations which would be otherwise applicable to the activities engaged in but for the provisions of this Act.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1959.

Time: 5:59 P. M.

Act No. 324

H. 830—Bevill, Shumate

AN ACT

To provide for the appointment, tenure, and compensation of a stenographic secretary for the judge of the county court of Walker County.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of the county court of Walker County may employ a stenographic secretary, who shall receive a salary of two thousand four hundred dollars (\$2,400) a year, payable in equal monthly installments out of the treasury of Walker County in the same manner as the salaries of other county employees are paid. The stenographic secretary provided for herein shall be appointed by the judge of the county court of Walker County, and shall serve at his pleasure.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1959.

Time: 6:00 P. M.

Act No. 325

H. 832—Ray

AN ACT

To repeal Act No. 336 of the Regular Session of the Legislature of Alabama of 1951, entitled "An Act Relating to Winston County: To prevent the disclosure of the identity of persons drawn or summoned for jury service at any session of court prior to the beginning of the session; and prescribing penalties for violation of this Act," approved August 1, 1951 (Acts of Alabama, 1951, page 624.)

Be It Enacted by the Legislature of Alabama:

Section 1.—That Act No. 336 of the Regular Session of the Legislature of Alabama of 1951, entitled "An Act Relating to Winston County: To prevent the disclosure of the identity of persons drawn or summoned for jury service at any session of court prior to the beginning of the session; and prescribing penalties for violation of this Act," approved August 1, 1951, (Acts of Alabama, 1951, page 624), be and the same is hereby repealed.

Section 2.—This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1959.

Time: 6:01 P. M.

Act No. 326

H. 834—Ray

AN ACT

To create and establish a single governing body in and for Winston County, to be known as the Board of Revenue of Winston County, Alabama, to be composed of three members, one of whom shall be chairman of said Board; to provide for the selection and election of the chairman and associate members of said Board; to fix their qualifications and term of office; to fix their compensation and prescribe the funds from which it may be paid; to define and prescribe the jurisdiction, power, and authority of said Board of Revenue, its chairman, and its members, and to repeal all laws, local and general, in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established in and for Winston County a single governing body, which shall be known as the "Board of Revenue of Winston County, Alabama." It may be known as the "Board of Revenue of Winston County," the "Winston County Board of Revenue," or, when the context so indicates, the "Board of Revenue," or, simply the "Board."

Section 2. The Board of Revenue shall be composed of three members—a chairman and two associate members, all of whom must be qualified voters of Winston County, Alabama. One associate member of the Board must be a resident of the area of the county now constituting the Double Springs Division of the Cir-

cuit Court (that is, the area composed of beats 1, 4, 5, 6, 7, 8, and 9), which area shall be known as district number one (1). The other associate member must be a resident of the area of the county now constituting the Haleyville Division of the Circuit Court of Winston County (that is, the area composed of beats 2, 3, 10, and 11), which area shall be known as district number two (2). The chairman may reside anywhere in Winston County.

Section 3. The initial term of office of the chairman of said Board of Revenue shall be from the date of the passage of this Act until the first Monday after the second Tuesday in January, 1961, and until his successor is elected and qualified. The initial term of office of the associate members of said Board of Revenue shall be from the passage of this Act until the first Monday after the second Tuesday in January, 1963, and until their successors are elected and qualified. John Ward is hereby designated as chairman of the Board of Revenue of Winston County for the initial term. Dorthen Wadsworth is hereby designated as associate member of the Board of Revenue of Winston County for District number one (1) for the initial term. Horace J. Glenn is hereby designated as associate member of the Board of Revenue of Winston County for District number (2) for the initial term. The chairman and associate members of said Board of Revenue shall enter into bond and take the oath of office as herein provided.

Section 4. (a) At the general election to be held in and for Winston County in November, 1960, and every four years thereafter, the chairman of the Board of Revenue shall be elected by the qualified voters of Winston County for the term of four years commencing on the first Monday after the second Tuesday in January next succeeding his election.

(b) At the general election to be held in and for Winston County in November, 1962, and every four years thereafter, one associate member of the Board of Revenue shall be elected by the qualified voters of district number one (1), and one associate member of the Board of Revenue shall be elected by the qualified voters of district number two (2), each for the term of four years commencing on the first Monday after the second Tuesday in January next succeeding their election.

(c) Candidates for chairman and associate member of the Board of Revenue shall be nominated by political parties as candidates for other county offices are nominated. The nomination or election of any candidate for chairman or associate member of the Board of Revenue may be contested in the same manner as the nomination or election of any candidate for Sheriff may be contested.

Section 5. In the event of a vacancy in the office of chairman or associate member of the Board of Revenue, the vacancy shall

be filled by appointment by the Governor for the unexpired term. The chairman and associate members of the Board of Revenue shall serve until their successors are elected and qualified.

Section 6. The Board of Revenue shall have and exercise all the jurisdiction, power, and authority which are now or may hereafter be by law vested in the courts of county commissioners, boards of revenue, and other like county governing bodies in Alabama; and the chairman and associate members of the Board shall perform all duties and services which are or may be provided by law for chairman and members of courts of county commissioners, boards of revenue, and other like county governing bodies in Alabama provided, however, that said Board of Revenue shall have only the following jurisdiction, power, authority, and duties relative to the construction, maintenance, and repair of roads, bridges, and ferries in said county:

(a) To levy road and bridge taxes and to appropriate money for the construction, maintenance, and repair of county roads, bridges, and ferries, as provided by law;

(b) To borrow money and issue bonds for warrants or other evidence of indebtedness, subject to the approval of the State Highway Department, for the purpose of construction, maintaining, and repairing county roads, bridges, and ferries, as provided by law;

(c) To acquire, subject to the approval of the State Highway Department, right-of-way for necessary roads, bridges, and ferries, either by negotiation or by the exercise of the right of eminent domain, and to pay for the entire cost of such right-of-way out of any road and bridge funds available for that purpose, including any State gasoline tax money belonging to Winston County;

(d) To determine the order of priority of construction of new roads, bridges, and ferries in the county, and to determine what percentage of the road and bridge funds shall be spent for maintenance purposes; provided, however, that not more than _____ percent of such funds shall be spent for road maintenance without the consent of the state highway department.

(e) For the purpose of more effectively exercising its jurisdiction, power, and authority and performing its duties relative to roads and bridges, the Board of Revenue, its chairman and associate members, shall from time to time, inspect the roads and bridges of said county.

Section 7. The Board of Revenue shall hold at least two regular meetings in each month on dates to be fixed by resolution adopted by the Board and recorded in its minutes. Unless the regular meeting dates are otherwise fixed by such resolution so adopted and recorded, they shall be held on the first Monday and

last week-day of each month. The Board may hold special meetings on the call of the chairman or the two associate members of the Board. A majority of the members of the Board shall constitute a quorum for the transaction of business. The Board shall keep complete and accurate written minutes of all meetings, business transacted, and resolutions; and there shall be recorded therein the vote of each member. At such meeting the minutes of the previous meeting shall be read and all minutes shall be open to public inspection at reasonable times.

Section 8. The chairman of said Board of Revenue shall be its presiding officer, and shall sign the minutes of the proceedings of said Board, and shall have the same power and authority as the associate members in passing on all questions, and shall sign all warrants drawn on the County Treasury and all orders for the payment and disbursement of funds of the county, and shall sign all contracts entered into by the Board of Revenue of Winston County. It shall be the duty of the Chairman to prepare the business and obtain information for the sessions of the Board of Revenue and see that all orders thereof are properly executed. He shall exercise all the duties required of the Probate Judge as to matters coming before courts of county commissioners. He shall devote his entire time to his office.

Section 9. The chairman of the Board of Revenue shall so serve as purchasing agent for the county, and shall negotiate for the purchase and acquisition of all supplies, equipment, materials, or contractual services required or used by the county or any of its officers, departments, and agencies. All such purchases shall be made in accordance with the requirements of the general laws of Alabama. He shall keep a current inventory of all property owned or leased by the county, which inventory shall show where such property is located and in whose possession or under whose control it is.

Section 10. The Board of Revenue may appoint such clerical assistance as is necessary for the convenient and orderly transaction of its business, and fix their salaries and terms of employment. The Board may require any of such employees to give bond in such sum as it may require, for the faithful performance of duty, and may pay the premium on such bond.

Section 11. Before entering upon the discharge of their duties, the chairman and associate members of the Board of Revenue shall take the oath required of public officers. Each of them shall also execute an official bond with good and sufficient surety or sureties, payable to the State of Alabama, conditioned faithfully to discharge the duties of such office during the time he continues therein, or discharges any of the duties thereof. The bond of the chairman shall be in the sum of ten thousand dollars and the bond of each of the associate members shall be three thousand dollars.

Such bonds may be approved by the Probate Judge of Winston County, the Judge of the Law and Equity Court of Winston County, or the Judge of the Circuit Court of Winston County, and such approval is declared to be a judicial act. The bonds shall be filed and recorded in the office of the Judge of Probate of Winston County, and the premiums on such bonds shall be paid by the county.

Section 12. The Chairman of the Board of Revenue shall receive a salary of four hundred dollars (\$400.00) per month, as full compensation for his services to the county. During the interim or initial term (that is, until the first Monday after the second Tuesday in January, 1963) the associate members of the board shall each receive a salary of three hundred dollars (\$300.00) per month, and shall receive five cents per mile for each mile actually traveled in the performance of their duties, provided, however, that no associate member may receive more than twenty-five dollars (\$25.00) mileage in any one month. After the interim or initial term (that is, beginning the first Monday after the second Tuesday in January, 1963) the associate members of the Board of Revenue shall each receive a salary of one hundred dollars per month, plus eight cents per mile for each mile actually traveled in the performance of their duties; provided, however, that no such associate members shall receive more than twenty-five dollars in mileage in any one month. The compensation herein provided for the chairman and associate members of the Board shall be paid from any funds available for that purpose; provided, however, that the Board may direct that one-third of such salaries may be paid out of any road and bridge funds available for that purpose, including any State gasoline tax moneys belonging to Winston County.

Section 13. All laws and parts of laws in conflict with this act are hereby repealed.

Section 14. The provisions of this act are severable. If any section, clause, sentence, or provision of this act shall be declared to be invalid or unconstitutional, it shall not affect the validity of any remaining section, clause, sentence, or provision hereof. If the specific application of any section, clause, sentence, or provision of this Act shall be held invalid or unconstitutional, it shall not affect the validity of such section, clause, sentence, or provision as to any other specific application which is not of itself unconstitutional.

Section 15. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1959.
Time: 6:02 P. M.

Act No. 327

H. 851—Jenkins

AN ACT

To provide for the relief of W. E. Sikes, of Roanoke, by Randolph County.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Randolph County may appropriate from any funds of the county not otherwise appropriated the sum of one thousand sixty dollars (\$1,060) for the relief of W. E. Sikes, of Roanoke, Randolph County. Such sum shall be provided to said W. E. Sikes as compensation for property damages and for personal injuries sustained as a result of a collision between a motor vehicle operated by the said W. E. Sikes and a county truck operated by Dewey Crews on or about July 31, 1959. The Legislature finds and declares that the claim of the said W. E. Sikes is a moral and just claim against the county but the claimant has no recourse at law to recover his damages, hence this enactment.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1959.

Time: 6:03 P. M.

Act No. 328

H. 854—Callahan, Ferguson

AN ACT

To create in the City of Tuscaloosa, Alabama, a fund to be known as Firemen's and Policemen's Pension and Relief Fund for the benefit and relief of disabled, sick, retired and other members of such fire and police departments and the widows, certain of the minor children and dependent widowed mothers of certain deceased members of the fire and police departments, and to provide for the use, management, control, and administration of such funds; to provide for the raising of such funds and the sources thereof; to provide for the payment into such fund of a proportion of the monthly salary of such members of the fire department and police department of such city as are eligible to participate in the benefits of such fund; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies including mutual and industrial fire insurance companies, doing business within such city, and for making a sworn report by such fire insurance companies of such premiums to the Board of Trustees of such fund, and to prescribe the penalty for failure to make such payments and report, and for enforcing such penalty; to provide for sworn statements to be made to the city clerk by all persons, firms, or corporations which conduct a fire insurance agency or brokerage business within such city, and to prescribe the penalty for failure to make and file such statements and for enforcing such penalty; to provide for the payment into such fund certain witness fees and certain rewards and gratuities received by firemen and policemen; to pro-

vide for the payment into such fund of all liquor seizure fees and all amounts received by the City from the Alcohol Beverage Control Board for confiscated liquors; to authorize the Board of Trustees to accept money and property for said funds; to authorize the governing body of such city to make appropriations to such fund out of the city treasury; to create in such city a Board of Trustees of such Firemen's and Policemen's Pension and Relief Fund; to provide for the transfer of all monies, securities, property, assets, and things of value in any Firemen's and Policemen's Fund in the City heretofore created to the jurisdiction and control of the Board of Trustees created under this Act; to provide for the organization of such Board of Trustees and to designate certain members of said Board and provide the time and method of electing the remaining members thereof and their term of office; to designate and provide for the selection of officers and agents of said Board; to declare the said Board of Trustees the trustees of such fund; to prescribe the powers, authority and duties of such Board of Trustees, its officers and agents; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department and police department and the widows, certain minor children, and dependent widowed mothers of certain deceased members thereof; to provide for the retirement and reinstatement of members of such fire and police departments; to prescribe the duties of the city attorney and city physician in connection with said Board of Trustees and said funds; to provide for medical examination and diagnosis of the physical and mental condition of such members of fire and police departments; to provide that no person shall have any vested or contractual rights in said fund, but that such fund shall be held subject to the power of the Legislature; to designate the treasurer of such fund and his duties; to provide that said fund and all benefits received therefrom shall be exempt from levy, execution, garnishment, attachment or seizure of any kind.

Be It Enacted by the Legislature of Alabama:

Section 1. Application.

This Act shall apply to and have application in the City of Tuscaloosa, Alabama.

Section 2. Definitions.

The following words, terms, and phrases wherever used in this Act shall have the meanings respectively ascribed to them in this section unless the context plainly indicates a contrary meaning: "City" or "such City" or "the city" means the City of Tuscaloosa, Alabama. "Fireman" means any regular full time member of the fire department of such city, exclusive of all irregular, extra, special, or part time members of such department. "Policeman" means any regular full time member of the police department of such city, exclusive of all irregular, extra, special, or part time members of such department. The term "Chairman of the Commission Board" and the term "Mayor" have reference to the officer of the City whose duties are those of chief executive of such city. The term "Commissioner of Public Safety" has reference to the commissioner who has charge of the fire and police departments of such city. The term "Board" and the term "Board of Trustees" means the "Board of Trustees of the Firemen's and Policemen's Pension and Relief Fund" created under this Act. The term "Fund", "the fund", "such fund" and similar expres-

sions, has reference to the "Firemen's and Policemen's Pension and Relief Fund" created under the provisions of this Act. Words used in this Act in the past or present tense include the future as well as the past and present, and words used in the singular include the plural, and the plural the singular. Words in the masculine gender include the feminine.

Section 3. Creation of Pension Fund.

There is hereby created and established for the City of Tuscaloosa, Alabama, a Firemen's and Policemen's Pension and Relief Fund for the benefit of the persons hereinafter named, to be derived and raised in the manner hereinafter provided. The name by which such fund shall be known is "Firemen's and Policemen's Pension and Relief Fund".

Section 4. Board of Trustees.

For the management and distribution of such fund, there is hereby created a Board of Trustees to be known as Board of Trustees of the Firemen's and Policemen's Pension and Relief Fund. Such Board of Trustees shall be composed of seven members who shall be the Commissioner, or other elected official of the city, having supervision over the police and fire departments in such city, who shall be Chairman of such Board, the chief of the fire department, the chief of the police department, and two additional members from the fire and two additional members from the police department to be selected as hereinafter provided. Immediately upon the going into effect of this Act the Board of Trustees of the Firemen's and Policemen's Pension and Relief Fund created and elected under and pursuant to Act No. 187 of the Alabama Legislature of 1951, as amended, shall become the Board of Trustees under this Act and the members thereof shall serve as members of the Board of Trustees under this Act until their successors are elected in accordance with the provisions hereof.

Section 5. Transfer of Assets of Existing Pension Fund.

All assets, funds, contracts, property, and records used and employed by the Board of Trustees of the Firemen's and Policemen's Pension and Relief Fund created pursuant to Act No. 187 of the Alabama Legislature of 1951, as amended, are hereby transferred to the jurisdiction and control of the Board of Trustees of the Firemen's and Policemen's Pension and Relief Fund created under the provisions of this Act.

Section 6. Participation in the Fund.

Every fireman and every policeman, as hereinabove defined, shall be eligible to participate and shall participate in such fund. Provided, however, that any policeman or any fireman who is employed as such after the effective date of this Act, and who at the time of such employment has reached or exceeded the age of

thirty-five (35) years, shall not be eligible to participate in such fund.

Section 7. Composition of Fund.

Said firemen's and policemen's pension and relief fund shall be derived, obtained, and created as follows: A. From the salary of each fireman and each policeman there shall be deducted, as the same becomes payable, and paid into said fund, an amount equal to five per centum of the amount of such salary. Provided that whenever a member of the fire or police department of such city is ineligible to participate in the benefits of such fund by reason of the provisions of this Act, neither such ineligible member nor his salary or other compensation shall be subject to any assessment for the benefit of such fund. B. Each fire insurance company, including mutual and industrial fire insurance companies, qualified to do business under the laws of Alabama, and doing business in such city, shall annually and on or before the first day of March of each year hereafter, pay into said Firemen's and Policemen's Pension and Relief Fund, a sum equal to one and one-half per centum of the gross premiums, less return premiums, received by such fire insurance company for and on account of business, including all renewals of fire insurance, done by it in the city, during the preceding calendar year; and it shall be unlawful for any such fire insurance company or its agent, to take or receive any premium for insurance against fire within the city unless such fire insurance company shall pay, at the time aforesaid, to the said Firemen's and Policemen's Pension and Relief Fund, the amount herein provided to be paid by such fire insurance company; and any such fire insurance company violating any of the provisions of this section shall forfeit to the said Firemen's and Policemen's Pension and Relief Fund the sum of One Thousand Dollars, to be recovered against such fire insurance company so violating said provisions, or its agent, by suit brought in the name of the city for the use of such fund. Each person, firm or corporation, which conducts a fire insurance agency or brokerage business in such city, shall annually, within the first ten days of each year, make and file a sworn statement, in writing, with the city clerk of such city, as treasurer of such fund, giving the name and address of each fire insurance company which such person, firm or corporation represented or did business for, as agent or broker, during the preceding year; and any such person, firm or corporation conducting any such fire insurance agency or brokerage business in such city, violating the provisions of this section shall forfeit to the said Firemen's and Policemen's Pension and Relief Fund the sum of One Hundred Dollars to be recovered against such person, firm or corporation, so violating such provisions, by suit brought in the name of such city for the use of such fund and all such forfeitures and penalties provided for herein, when collected, shall be and become a part of said Firemen's and Policemen's Pension and Relief Fund. Provided,

however, that the said sum equal to one and one-half per centum of gross premiums, less return premiums, required by this paragraph of this section to be paid by fire insurance companies into said Firemen's and Policemen's Pension and Relief Fund shall be treated and held to be a part of the maximum of four per cent on each one hundred dollars, or major fraction thereof, of gross premiums, less return premiums, which any municipal corporation may by law impose upon any fire insurance company in any one year as a license or privilege tax for the privilege of doing business in such municipality during such year under Section 739 of Title 37 of the Code of Alabama of 1940 as amended or as the same may be amended. C. All firemen and policemen shall promptly pay into such fund all witness fees in criminal cases, and in cases in which they have been summoned by the city, received by them from any court in the county in which such city is situated, and all moneys received by them or any of them as a reward or gratuity for the apprehension of any person, the furnishing of any evidence, the recovery or saving of any property, services at any fire, or otherwise received by them for similar service or for work in the line of his duty. D. There shall be paid into such fund, as and when received, all liquor seizure fees received by any policeman or to which he may be entitled and all amounts received by the city from the State Alcohol Beverage Control Board for confiscated liquors and beverages delivered to it as required by law. E. The Board of Trustees may take by gift, grant, devise or bequest, any money, personal property, real estate or any interest therein or any right of property; and any such gift, grant, devise or bequest may be absolute or in fee simple or upon condition that only rents, income and profits arising therefrom shall be applied to the purposes for which said fund is created. F. The governing body of the city shall cause to be paid into such fund out of the treasury of such city, an amount equal to five per centum of the salary of each member of such fire and police department who is eligible to participate in the benefits of such fund, such payment to be made to such fund as and when such salary becomes payable, and deduction therefrom is made as provided in this section.

Section 8. Election of Members of Board.

Two members of said Board of Trustees shall be elected from among their number by the policemen who are entitled to vote in such election and two members of said Board shall be elected from among their number by the firemen who are entitled to vote in such election. Neither the chief of police nor the chief of the fire department shall be entitled to vote in such elections. Such elections shall be held independently of one another on the second Tuesday in January, 1962, and on the second Tuesday in January of every third year thereafter. The said election shall be held at police headquarters for the police department and at fire station number one for the fire department, or some other

place duly designated by the governing body of said city, beginning at nine o'clock in the forenoon and continuing until six o'clock in the afternoon. Only firemen and policemen who are eligible to become members of the said Firemen's and Policemen's Pension and Relief Fund are to participate in the benefits thereof as herein provided shall be entitled to vote in such elections, each being entitled to vote for two candidates in the department of which he is a member. Voting shall be by secret ballot. The city clerk shall prepare the ballots which shall be printed, typewritten or mimeographed. He shall place on said ballots the names only of those nominated as candidates as herein provided, and the names of such as may request in writing that their own names be placed thereon. Any three members of the fire department eligible to vote in such election may nominate in writing a candidate from the fire department, and any three members of the police department eligible to vote in such election may nominate in writing a candidate from the police department. Such nominations and such requests from persons entitled to vote in said election that their own names be placed on such ballot shall be filed with the city clerk not earlier than two weeks before the date of such election and not later than five o'clock in the afternoon of Thursday immediately preceding such election. The two candidates receiving the highest number of votes in each election shall hold office as such trustees for a term of three years beginning on the Monday next following such election and until their successors are elected and accept by notifying the Chairman of the Board of such acceptance. The chief of the police department and one police officer selected by him and the chief of the fire department and one fireman selected by him shall act as election officials in their respective departments and, on the day of and immediately after the casting of such ballots, shall canvass and count the same for their respective departments and certify in writing in duplicate the number of ballots cast and the number of ballots received by each candidate for the office of trustee. After signing such certificates, each chief shall immediately post one copy thereof at the place of election and not later than twelve o'clock noon on the following day deliver one copy thereof together with all the ballots cast by his department, in a securely sealed envelope, to the Chairman of the Board of Trustees who shall on the day following said election in the presence of the chief of such fire department and of the chief of such police department, open said envelopes, examine said certificates and ascertain and determine the total number of ballots cast at said election for each of the candidates as such trustee, and shall issue certificates of election as such trustee to the candidates receiving the highest number of votes as aforesaid. In case any two or more candidates shall have received the same number of votes, so that there would be no choice under the foregoing provision, then the Chairman of the Board of Trustees shall forthwith determine by

lot from the persons so receiving such equal number of votes who shall be the trustee. No election shall be set aside for want of formality in balloting by such members, or in certifying or transmitting returns of such election by the officers or persons in charge thereof. Should a vacancy occur in the position of an elective member of the Board of Trustees, such vacancy shall, with reasonable promptness, be filled for the unexpired term by the remaining members of said Board.

Section 9. Board to Manage and Control Fund.

The Board of Trustees shall be the trustee of such fund and shall have the exclusive management and control thereof, and all matters legitimately connected therewith. It shall have power to adopt and enforce such rules and regulations as may be necessary to enable it effectively and properly to carry into execution the purposes for which it was organized, and to enable it to properly manage and conduct the business and affairs entrusted to it, provided such rules and regulations shall in no wise contravene the provisions of this Act, but shall be in conformity thereto. The Board of Trustees shall hear and decide all applications for pension or relief under this Act and its decisions on such applications shall be final and conclusive, and not subject to review or reversal, except by said Board. It shall cause to be kept a record of all its meetings and proceedings. From and after the election of members of the Board of Trustees in January of 1962, five members of said Board shall constitute a quorum for the transaction of any and all business of said Board and the affirmative vote of five members shall be necessary and sufficient to adopt any resolution; prior to the election of additional trustees in 1962, three members of the Board shall constitute such quorum. Meetings of said Board shall be held in the council chamber in the city hall at such time as it may be called to meet by the Chairman or by any two members. Neither the secretary, treasurer, custodian, nor any member of said Board, shall receive any salary or compensation for his services.

Section 10. Secretary of Board.

The city clerk of such city shall be secretary of the Board of Trustees. It shall be his duty as secretary to keep in a book provided for that purpose a full and complete record of all proceedings of the Board. The secretary shall perform such other duties as may be assigned to him by the Board.

Section 11. Investment of Portion of Fund.

The Board of Trustees, after considering the probable demands upon the fund may invest such portion of it as may be safely withdrawn for the purpose. Such investment shall be only in interest bearing bonds of the United States of America, or of the State of Alabama, or of any bonds lawfully issued by the City of Tusca-

loosa. All income from investments shall be and become a part of the fund. All securities belonging to the fund shall be deposited with the treasurer of the fund, and shall be subject to the management and control of the Board of Trustees.

Section 12. Annual Report.

On or before the first day of February of each year, the Board of Trustees shall make a report to the Commission Board, or other governing authority of the city, and to the fire department and the police department in the city, of the condition of the fund as of December 31st of the preceding year.

Section 13. Depository of Fund.

The Board of Trustees shall appoint a bank or trust company in such city as a depository and the treasurer of such fund shall promptly deposit all money belonging to such fund or coming into his hands as treasurer thereof in such depository. If any of such funds are dissipated or lost by reason of the insolvency or failure of such bank or trust company appointed as such depository as provided herein, such dissipation or loss shall not constitute a liability on the official bond of such city clerk as such treasurer of such fund nor a liability against the sureties thereon. All interest received on such deposits shall be and become a part of such fund.

Section 14. Payments from Fund.

No warrant nor check shall be drawn on such fund except by order of the Board of Trustees duly and regularly entered in the record of the proceedings of said Board. The depository of such fund shall not pay out any of such funds except on warrant or check signed by the Chairman of the Board and countersigned by the Secretary thereof.

Section 15. Expenses of Board.

The Board of Trustees shall be authorized to pay out of such fund all reasonable and necessary expenses that may be incurred by it in and about the performance of its duties under this Act and in and about the management and administration of such fund.

Section 16. List of Retired Policemen and Firemen.

There shall be kept by the secretary of the Board of Trustees a book to be known as the list of retired firemen and policemen, which shall give a full and complete history and record of the action of the said Board of Trustees in retiring any and all persons under this Act, showing the names, date of entering the service of such department, date of retirement, age on retirement, number of years such person has contributed to the fund, and the reason of such retirement, if any. In such book there shall also

be kept a complete list with the name, age and address of all children and the name and address of all widows and widowed mothers of policemen and firemen who have been declared by said board to be entitled to benefits under this Act.

Section 17. Treasurer and Custodian of Fund.

The city clerk shall also be treasurer and custodian of all monies belonging to such fund and all monies belonging to such fund shall be promptly paid to him. The city clerk shall also be the custodian of all securities and things of value belonging to such fund. He shall be liable on his official bond as city clerk for the faithful performance of the duties imposed upon him under this section, and for the faithful accounting for all monies, securities, and things of value which may come into his hands as treasurer of such fund, and he shall keep a separate account thereof which shall at all times show the true condition of such fund. Upon the expiration of the city clerk's term of office, or whenever, from any cause, he ceases to hold office as such city clerk, he shall surrender and deliver up to his successor all bonds, securities, all money and everything else which have come into his hands as treasurer or custodian of such fund. If, at any time in the future, some officer other than the city clerk shall be designated by the governing body of the city as the chief fiscal officer, such as comptroller, then such chief fiscal officer shall perform the duties prescribed in this section for the city clerk.

Section 18. Pension Benefits to be Paid on Retirement.

Subject to the general limitations set forth in Section 29 hereof and subject to any reductions in benefits that might be required by the provisions of Section 28 hereof, when any fireman or policeman shall be retired and placed upon the pension roll (except when retired under Section 23 hereof), the monthly pension which he shall initially be paid shall be a sum equal to two and six-tenths (2.6) per centum of the amount of his "pension base" multiplied by the number of entire years he has served in the department of which he was a member. The term "pension base" as used herein, means the monthly salary at the time of retirement, Unless: (a) he has been demoted in the five years immediately preceding his retirement, in which case his "pension base" shall be the average monthly salary for the five year period immediately preceding retirement; (b) his salary at the time of his retirement exceeds one hundred and fifteen per cent (115%) of his average monthly salary for the five (5) years immediately preceding his retirement, in which case his "pension base" shall be one hundred and fifteen per cent (115%) of his average monthly salary for the five year period immediately preceding his retirement.

Section 19. Continued Payments of Existing Pensions.

All pensions and all benefits heretofore directed to be paid by the Board of Trustees of the Firemen's and Policemen's Pension and Relief Fund, created under and pursuant to Act No. 187 of the Alabama Legislature of 1951, as amended, shall be continued and shall be paid from the Fund and by the Board of Trustees of such fund created under this Act. All such pensions and all such benefits directed to be paid by the Board of Trustees under and pursuant to said Act No. 187, as amended, shall not be changed by this Act but shall continue in force and shall continue to be calculated and paid according to the schedule of payments prescribed in said Act No. 187, as amended.

Section 20. Weekly Benefits for Sickness or other Disability; Retirement for Disability.

When any fireman or policeman shall be confined to his bed, under the necessary care of a physician, by reason of sickness or other disability not otherwise provided for, for as long a period as fifteen days, the said Board of Trustees shall direct the payment to such fireman or policeman from such fund the sum of Thirty Dollars (\$30.00) weekly while so confined, not to exceed in any event twelve weeks; provided, however, that if such policeman or fireman has been in the service of the department of which he is a member for a period of ten years or more, and the Board of Trustees shall determine at the end of such twelve weeks that such disability is, or has become permanent, they shall retire such disabled person and place him upon the pension roll; provided further, that such fireman or policeman shall not be entitled to any benefits or relief under this section, if such sickness or disability shall be caused by dissipation, immoral conduct or vicious habits, or during such time as he shall receive his regular compensation from such City.

Section 21. Retirement by Reason of Age.

The Board of Trustees shall have the power and authority to retire from active service, and they may retire from active service, every fireman and every policeman, without regard to his length of service upon his attaining the age of sixty-five (65) years.

Section 22. Retirement by Reason of Service and Age.

Any firemen or policeman who has been in the service of the police or fire department for as long as twenty-five (25) years and who has reached the age of fifty (50) years or who has been in the service of said department for as long as twenty (20) years and who has reached the age of sixty (60) years, upon application by him shall be retired and placed on the pension roll by said Board of Trustees.

Section 23. Monthly Benefits for Temporary Disability Aris-

ing as Result of Service in Department; Retirement for Permanent Disability.

Whenever the Board of Trustees shall determine that any fireman or policeman has become temporarily disabled, mentally or physically, for service in the department of which he is a member, and that such disability arose from any injury received or accident occurring while engaged in the performance of his duty or is otherwise a direct result of his service in such department the Board of Trustees shall order that such disabled fireman or policeman be paid monthly out of such fund, during the period of such disability, a sum equal to sixty-five (65) per cent of the monthly compensation paid such fireman or policeman as salary at the time of his having become so disabled; provided, that any benefits payable under this section shall be reduced by an amount equal to the amount, if any, which the beneficiary shall receive from such city as salary. The Board of Trustees shall be the sole judge of the extent and cause of any such disability and of the time when such disability has ceased to exist, and the Board's determination thereof shall be final. Whenever the Board of Trustees shall determine that such disability is, or has become, permanent, they shall retire such disabled person and place him upon the Pension Roll and (subject to the limitations set forth in Section 29 hereof) pay him an initial monthly pension equal to sixty-five (65) per cent of the monthly compensation paid such fireman or policeman at the time of his having become so disabled.

Section 24. Re-examination of Member Retired for Disability; Corrective Medical Treatment or Surgery.

After any member of the fire department or of the police department shall have retired upon pension voluntarily or by reason of disability, said Board of Trustees shall have the right, at any time, to cause such retired member to be brought before it and again examined by the city physician or other competent physicians and surgeons, to be selected by it, and also to examine other witnesses for the purpose of discovering whether such disability still continues, and whether such retired member should be continued on the pension roll, or returned to active duty, but such retired member shall remain upon the pension roll until reinstated in the active service of such department. The said Board of Trustees may also, at its discretion, and after a hearing, require the said retired member of the fire department or of the police department to undergo or submit to such corrective medical treatment or surgery as the Board of Trustees may deem proper and reasonably safe as a condition to his continuing upon the pension roll, and upon the failure or refusal of the said retired member to comply with any such orders made by the Board of Trustees concerning corrective medical treatment or surgery, the said retired member may be discontinued from the pension

roll. In the event that the said retired fireman or policeman is suffering a disability which arose from an injury received or accident occurring while engaged in the performance of his duty or is otherwise a direct result of his service, the City of Tuscaloosa may, with the approval of the Commission Board of the City of Tuscaloosa, bear the expenses of the said corrective medical treatment or surgery, and in all other cases the retired fireman or policeman involved shall bear the expenses, but in any event the Board of Trustees may, in its discretion, designate the physician or surgeon who shall supervise the corrective medical treatment or surgery. Such retired members shall be entitled to notice, and be present at the hearing of any such evidence, shall be permitted to propound any questions pertinent or relevant to such matter, and shall also have the right to introduce upon his own behalf any competent evidence he may see fit. All witnesses so produced shall be examined under oath; and any member of such Board of Trustees is hereby authorized and empowered to administer such oath to such witnesses. The decision of such Board of Trustees shall be final and conclusive and no appeal shall be allowed therefrom, nor shall the same be subject to review or reversal, except by said Board of Trustees.

Section 25. Payments to Dependents of Member.

For the purpose of this section, children of any policeman or fireman who are under the age of eighteen (18) years, and also the widow of any policeman or fireman while unmarried shall be conclusively presumed to be entirely dependent upon such fireman or policeman.

If any fireman or policeman shall, while in the performance of his duty be killed, or die as a result of any injury received in the line of his duty, or shall die from any cause whatsoever as the result of his service, in such department and while in such service; or after having served in such department for more than ten years, the last five years of which were consecutive shall die from any cause while in the service or on the retired or disabled list, and shall leave a surviving spouse (if retired, to whom he was married at the time of his retirement) surviving him, and entirely dependent upon him, the Board of Trustees shall direct the payment to such surviving spouse monthly during his or her natural life, and while unmarried and entirely dependent on such payment, a sum equal to twenty-five percent of such fireman's salary if a fireman, and twenty-five percent of such policeman's salary if a policeman. If such fireman or policeman leaves surviving him a child or children under eighteen years of age, said Board shall direct the payment monthly from such fund to their surviving parent, whether married or unmarried, for their use and benefit, an amount equal to fifteen percent of such policeman's or fireman's salary at the time of his death for each child under eighteen years of age not to exceed in the aggregate

an amount equal to forty-five percent of such salary, so long as such child or children live with their surviving parent and are under eighteen years of age and are supported by such surviving parent. If such child or children have no surviving parent, or such surviving parent dies during the time such child or children are entitled to such benefit, such sum may be paid by the Board of Trustees to the person having control and custody of such child or children or to such other person as said Board of Trustees may direct, to be expended by such person for the benefit of such child or children as may be prescribed by said Board of Trustees. Should such deceased fireman or policeman leave no surviving spouse or child entitled to benefits as hereinabove set out, but a widowed mother entirely dependent upon him for support, said Board of Trustees shall pay to her monthly during her natural life and so long as she remains unmarried, a sum equal to twenty-five percent of such fireman's monthly salary, if a fireman, and a sum equal to twenty-five percent of such policeman's monthly salary, if a policeman.

Section 26. Procedure by Surviving Spouse or Dependents in Obtaining Payments.

When the surviving spouse or child or children or widowed mother, or either of them shall be entitled to a pension as provided in this Act, such surviving spouse or child or children or widowed mother shall make or cause to be made an application to the Board of Trustees through the secretary of such board, on a form to be provided by said board, which shall show, in the case of the surviving spouse, proof of the marriage of the deceased to the claimant, by marriage certificate or other competent evidence and such proof of dependency as the Board may direct; and proof of the widowhood of the mother of such deceased member, and her dependency for support upon him shall be shown by affidavits of such widowed mother or disinterested persons; and the birth and ages of such children shall be shown by affidavits of the mother of such children or of disinterested persons, or by any other competent evidence. All applications and proofs shall be kept and retained in the custody of the said Board of Trustees.

Section 27. Payments to be on Salary Percentage Basis.

All pensions and relief and retirement pay provided for in this Act shall be on a salary percentage basis and shall increase or decrease in accord with the increase or decrease of the salaries of active members of such fire and police department.

Section 28. Decreased Benefits.

The annual income of the fund shall mean all revenues paid into the fund during the preceding fiscal year plus the increase during such year in the actual value of investments held (or minus the decrease in the actual value of investments held). The an-

nual expense to the fund shall mean the sum of all monies paid out not including monies paid out and invested for the use of the fund.

If and when two consecutive fiscal years pass in which the annual income is less than the annual expense, every monthly benefit paid from the fund for the following year shall be decreased by multiplying each such benefit by the following ratio: preceding year's income divided by preceding year's expense (the monthly benefit to equal the product of such multiplication), and this procedure shall continue until the annual income equals or exceeds the annual expense, at which time monthly benefits shall be restored, and paid without such deduction.

Section 29. Limitations on Amount of Pension Benefits.

Under no circumstances shall any retired fireman or policeman be paid a pension or other benefit of more than One Hundred Twenty-five Dollars (\$125.00) if he has contributed to the fund for less than five years, or more than One Hundred and Fifty Dollars (\$150.00) per month if he has contributed to the fund for five years and less than ten years, or more than One Hundred Seventy-five Dollars (\$175.00) per month if he has contributed to the fund for ten years and less than fifteen years, or more than Three Hundred Dollars (\$300.00) per month if he has contributed to the fund for fifteen years or more, and under no circumstances shall the surviving spouse and/or children or widowed mother of a deceased fireman or policeman be paid a pension or other benefit in excess of Two Hundred Dollars (\$200.00) per month.

Section 30. Member Leaving Employment Forfeits Right to Benefits.

If any fireman or policeman be discharged, or for any other reason leaves the employment of the police department or fire department before he becomes entitled to any of the retirement benefits provided for in this Act, he shall forfeit all right to all benefits under the Act, but he shall be paid by said Board of Trustees any monies, without interest, that may have been paid into such fund by him by deduction from salary, less one-half of any sick benefits which have been paid to him from such fund. If any policeman or fireman is killed or dies, his death not resulting from action while in line of duty, and he does not have ten years service so as to entitle his surviving spouse or minor children to a pension or allowance under the other provisions of this Act, the surviving spouse, or the legal guardian of the minor children, shall be paid by the Board of Trustees any monies, without interest, that may have been paid into such fund or into any fund which preceded such fund by means of deductions from the salary of the policeman or fireman at any time since July 9th, 1943, less one-half of any sick benefits which have been paid in from such fund.

Section 31. Fund not Subject to Attachment, Assignments Prohibited; No Vested Rights in Fund.

No portion of said fund whether in cash or securities either before or after its distribution by the Board of Trustees to the person or persons entitled thereto under the provisions of this Act shall be held, seized, taken, subjected to, detained or levied upon by virtue of any attachment, garnishment, execution, injunction, writ, order, decree or any other process whatsoever issued out of any court of this state, for the payment or satisfaction, in whole or in part, of any debt, damage, demand, claim, judgment or decree against any beneficiary of such fund; but shall be exempt therefrom without any claim therefor. Nor shall any assignment be made of any portion of said fund or of any right or interest therein by any beneficiary or prospective beneficiary thereof, and all such assignments or attempted assignments shall be void. Said fund shall be sacredly kept, held and distributed for the purposes named in this Act, and for no other purposes, whatsoever. Neither the employment, payment of benefits to, nor the retirement of any person, nor the payment of any money into such fund by any person nor any act of the Board of Trustees or of the city governing body shall give right to any contractual or vested rights hereunder; but the legislature reserves full power and right to amend, or repeal any and every provision hereof and make disposition of such fund.

Section 32. City Attorney to Advise and Represent Board.

It shall be the duty of the City Attorney to give advice to the said Board of Trustees in all matters pertaining to the duties of the said Board of Trustees and the management of such fund, whenever requested to do so, and he shall represent and defend the said Board of Trustees as its attorney in all suits and actions at law or in equity that may be required or determined upon by said Board of Trustees; and the said Board of Trustees shall have the authority to employ such other counsel as it may see fit in such matters, and to pay out of such fund reasonable attorney's fees to such counsel as it may employ as aforesaid.

Section 33. Superseding Former Pension Acts.

This Act shall supersede Act Number 187 S. 339, approved June 29th, 1951 (General Acts of Alabama of 1951) as amended, in so far as said Act 187 applies to the City of Tuscaloosa, Alabama.

Section 34. The Provisions of this Act are Severable.

Should any part of this Act be declared unconstitutional or invalid, such declaration shall not affect the part that remains.

Section 35. Effective Date.

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1959.

Time: 6:05 P. M.

Act No. 329

H. 856—Bevill, Shumate

AN ACT

To abolish the office of comptroller of Walker County, and establish in lieu thereof a county depository; and to provide for the performance of certain duties relative to county funds by the county depository and other duties relative thereto by the Board of Finance and Control of Walker County and the President thereof, or any other like governing body of such county and its presiding officer.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the expiration of the term of office of the incumbent comptroller of Walker County the office of comptroller of such county, which was created and established by Act No. 388, H. 943, approved September 4, 1957 (Acts of Alabama 1957, page 521), is hereby abolished. In lieu thereof a county depository is hereby established, and except as herein otherwise provided, all the provisions of Article 2, Chapter 3, Title 12, Code of Alabama, 1940, and any and all other laws of this State applying to or with reference to county depositories in counties having a population of less than fifty-six thousand shall apply fully to the depository hereby established.

Section 2. On the first Monday after the second Tuesday in January 1961 the comptroller shall make a settlement with the Board of Finance and Control or other like governing body of Walker County and pay over the balance of money on hand to the order of the Board of Finance and Control, or other like county governing body, to the credit of Walker County.

Section 3. On and after the first Monday after the second Tuesday in January 1961 all moneys theretofore required by law to be paid to the comptroller of Walker County shall be deposited in a bank or banks designated by the Board of Finance and Control or other like governing body of Walker County as a county depository in the manner and at the time prescribed in said Article 2 of Chapter 3 of Title 12 of the Code of Alabama, 1940, for designating county depositories in counties having a population of less than fifty-six thousand; and all sworn reports required by law to be made relative to collections and disbursements of county funds or the county's financial condition shall be made by the Board of Finance and Control or other like governing body of Walker County.

Section 4. When a county depository for Walker County has been established pursuant to this Act, accounts shall be opened, kept and disbursements made therefrom in the same manner prescribed by law for the opening and keeping of accounts and the making of disbursements therefrom for county depositories established pursuant to said Article 2, Chapter 3, Title 12, Code of Alabama, 1940; and any bank or banks in Walker County designated as a county depository pursuant to this Act shall perform the same duties, shall be liable to the same pains and penalties, and shall be required to give bond or other security for the safety of deposits made therein as banks designated as county depositories pursuant to said Article 2, Chapter 3 of Title 12.

Section 5. Upon the abolition of the office of comptroller, the president of the Board of Finance and Control, or other presiding officer of a like county governing body of Walker County shall perform all acts required by law to be performed with respect to county funds other than the receipt and disbursement of such funds by the county depository. It is specifically provided, however, that, with the approval of the county governing body, he may delegate any duties hereby imposed on him which are purely clerical to the chief clerk or an assistant clerk of such governing body, or may be furnished, at county expense, such clerical assistance as is reasonably necessary for the efficient performance of the duties hereby imposed upon him.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. The provisions of this Act shall become operative only if approved by a majority of the electors of Walker County who vote in a referendum election held for that purpose, which shall be held on the date of the first countywide election held after adjournment of the 1959 Regular Session of the Legislature for the purpose of voting on amendments to the Constitution of Alabama. The governing body of Walker County shall order and provide for holding the referendum on such date, and for canvassing the results thereof. On the ballots to be used at the election the question shall be stated substantially as follows: "Do you favor abolishing the office of comptroller of Walker County as provided in H. B. 856, enacted at the 1959 Regular Session of the Legislature of Alabama?" If a majority of the votes cast at the election are "Yes," the provisions of this Act shall become operative on the first day of the month next succeeding the month during which the referendum is held. However, if a majority of votes cast at the election are "No," this

Act shall have no further effect. The result of the election shall be certified to the secretary of state, State of Alabama, and to the chief examiner of public accounts, Montgomery, Alabama, by the probate judge of Walker County, within ten days after the results of the election have been ascertained.

Approved October 29, 1959.

Time: 6:06 P. M.

Act No. 330

H. 859—Avery

AN ACT

To alter, re-arrange and extend the boundaries and corporate limits of the municipality of Greensboro in Hale County; annexing certain territory to said municipality.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the municipality of Greensboro in Hale County are hereby altered, re-arranged and extended so as to embrace within the corporate limits of said municipality all the territory now lying within said limits, and in addition thereto, the following described lands lying and being in said county, to-wit: Commence at the Southeast corner of Section 16, Township 20 North, Range 5 East, and run West along the south line of said section 898 feet to a point on the present corporate limit, run thence North along the present corporate limit 1361 feet to the center of the old creek bed of Caldwell Creek and the point of beginning; run thence North and parallel with the East line of said section 1282 feet to a point on the North boundary of the Southeast Quarter of said section; run thence West along the North boundary of the Southeast Quarter of said section 1200 feet, more or less, to a point in the center of the old creek bed of Caldwell Creek; and run thence Southeasterly along the center of said creek bed to the point of beginning.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved October 29, 1959.

Time: 6:07 P. M.

Act No. 331

H. 861—Sessions, Perry, Locke, Morrow,
Edwards, Rast, Hawkins

AN ACT

To alter and re-arrange the boundary lines of the City of Homewood, Alabama so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

Be It Enacted by the Legislature of Alabama:

Section 1. That, from and after the passage and approval of this Act the boundary lines of the City of Homewood, Jefferson County, Alabama, be and the same are altered and re-arranged so as to include within the corporate limits of said City, in addition to the territory included within its present corporate limits, the territory lying and situated in Jefferson County, Alabama, contiguous to said City, more particularly described as follows:

All that part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, Township 18 South, Range 2 West, situated in Jefferson County, Alabama, which lies Southeast of Shades Creek and East of the right-of-way of the Montgomery Highway as described in deed to Jefferson County recorded in Vol. 3082, page 147, in the Office of the Judge of Probate of said County; also all that part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17 Township 18 South, Range 2 West, which lies Southeast of Shades Creek and Southwest of the Smyer Road.

Also, all that part of the South Half of the SW $\frac{1}{4}$ of Section 17, Township 18 South, Range 2 West, which lies North of the Northerly right-of-way line of Alabama Power Company transmission line. Also a triangular parcel of land in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18, Township 18 South, Range 2 West, lying North of the Alabama Power Company's right-of-way, West of the East Line of Section 18, Township 18 South, Range 2 West and Southeast of the New Montgomery Highway except that part of said parcel heretofore deeded to Jefferson County, 2.2 acres, more or less and being the same land conveyed on August 4, 1955 by John G. Burton, Hampton C. Hopkins, Ray Frank Robbins, et al to Cherokee Land Company Inc., which deed is filed in Vol. 5431, page 323, Record of Deeds in the Probate Office of Jefferson County, Alabama.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 29, 1959.

Time: 6:08 P. M.

Act No. 332

H. 413—Harvey, Jenkins, Martin, Oakley, Avery, Thomas, Reynolds (Chambers), Adams (Houston), Solomon, Brooks, Hawkins, Boyd, Grant, Casey, Lee, Adams (Tallapoosa), Johnson (Tallapoosa), Long (Perry), Ingram, Cates, Salter, Nichols

AN ACT

Relating to The Alabama Polytechnic Institute, a public corporation; changing the name of such institution to Auburn University.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama Polytechnic Institute, formerly called the Agricultural and Mechanical College, a public corporation established pursuant to Section 266, Article 14, Constitution 1901, and Chapter 25, Title 52, Code 1940, is hereby renamed and designated Auburn University.

Section 2. None of the powers, authority, or functions of the corporation provided for in Chapter 25 of Title 52, Code 1940, shall be abated or impaired by this Act. Only the name of the institution shall be changed by this Act. Auburn University shall continue to be the land grant institution of the State established to carry into effect the purposes and intent of the Congress of the United States in the grant of lands by the act of July 2, 1862, and subsequent acts of the Congress relating thereto or which may be enacted; and the trustees constituting the Corporation shall have and exercise control of Auburn University to the extent provided by Section 266 of the Constitution of 1901 and Chapter 25 of Title 52, Code of Alabama 1940. Wherever the term "The Alabama Polytechnic Institute" appears in the constitution and the laws of the State of Alabama, the same shall be considered to refer to Auburn University.

Section 3. This Act shall take effect January 1, 1960.

Approved October 30, 1959.

Time: 10:00 A. M.

Act No. 333

H. 75—Hocklander, Murphy

AN ACT

To amend Section 77 of Title 38 of the Code of Alabama of 1940, as amended, which relates to the pay of pilots.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 77 of Title 38 of the Code of Alabama of 1940, as amended, be and the same is hereby amended so as to read as follows:

"Section 77. Pay of Pilots.—The master, owner or consignee of any ship or vessel must pay the pilot who conducts a vessel into or out of the bay or harbor of Mobile a fee to be fixed by the board of pilotage commission at not exceeding the following rates, for actual draft of water at the time of pilotage: For every vessel crossing the outer bar of Mobile Bay drawing not more than nineteen feet eleven inches of water the sum of six

dollars and fifty cents per foot; for every vessel drawing twenty feet or more of water the sum of seven dollars per foot, provided however, the minimum pilot fee shall be computed on a minimum draft of eight feet regardless whether or not such vessel has a draft of less than eight feet at the time of pilotage. But vessels trading between any domestic port on the Gulf of Mexico and the port of Mobile, drawing seven feet or less of water, shall not be required to employ a pilot, but if they do, their regular pilotage shall be paid. No fishing smack shall be subject to pilotage."

Section 2. That all laws and parts of laws in conflict herewith are hereby repealed.

Section 3. That this Act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved October 30, 1959.

Time: 10:05 A. M.

Act No. 334

H. 77—Hocklander, Murphy

AN ACT

To amend Section 81 of Title 38, Code of Alabama 1940, in relation to the pay of bar pilots.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 38, Section 81, is hereby amended to read as follows:

"Section 81. If the master of any vessel retains a pilot on board, the wind and weather permitting her going to sea, the pilot is entitled to fifty dollars for every day of such detention. If a master carries off a pilot from the bay or harbor of Mobile, he must pay him fifty dollars for every day of such absence and supply him with such provisions as is usual for the maintenance of masters, and first class transportation back to Mobile, Alabama, the master as well as the owner being liable therefor, unless the vessel has laid to for the space of four hours after crossing the bar, and no pilot boat appears to receive the pilot on board."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 30, 1959.

Time: 10:01 A. M.

Act No. 335

H. J. R. 75—Goodwyn, Adams (Tallapoosa),
Camp, Pierce, Bailey, Grouby,
Ashworth, Thomas, Cates,
Smith (St. Clair), Copeland,
Merrill, Casey, Albea, Gilmer,
Hardy, Hain, Nichols, Franklin,
Meade, Speaks, Cabiness, Gross,
McClendon, Jenkins, Nettles,
Daniel, Goldthwaite, Boyd,
Oakley, Jones (Monroe), Trim-
mier, Hocklander

HOUSE JOINT RESOLUTION

WHEREAS, for many years much has been said and written about the proposed development of the Alabama-Coosa River System in the States of Alabama and Georgia, and it has been the intent and purpose of the people of our State for a long period of time that the complete development of this great waterway would increase the economy of the river basin of approximately 26,000 square miles, the Southeastern region, and the Nation; and

WHEREAS, the Corps of Engineers, U. S. Army, has over the years conducted studies and surveys and has found the development of the Alabama-Coosa River System for navigation and other purposes to be economically justified, and did recommend the initial and ultimate comprehensive plan of development for this great waterway to the Congress of the United States; and

WHEREAS, the 79th Congress by enactment of Public Law 14 approved March 2, 1945, did authorize the development of the Alabama-Coosa River System for navigation, flood control, power, and other purposes, including the initial plan of development of the river system consisting of one navigation and two multiple-purpose dams to be constructed on the Alabama River and one hydro-electric power dam on the Coosa River; and

WHEREAS, the development of the Coosa River for the generation of hydro-electric power has been suspended by enactment of Public Law 436 by the 84th Congress to permit a private utility, under certain conditions and requirements of a license later issued by the Federal Power Commission, to develop the Coosa River for hydro-electric power; and

WHEREAS, the President of the United States did on January 6, 1955, in the address on the State of the Union delivered by him to the 84th Congress, specifically mention the Coosa River as complying with the Administration's "Partnership Policy", and did state in the address, quote: "Now, of course, the Federal

Government must shoulder its own partnership obligations by undertaking projects of such complexity and size that their success requires Federal development." (End of quote); and

WHEREAS, the authorized projects on the Alabama River section of the waterway are of such size and complexity that in order to maintain the economic feasibility, the development must be accomplished by the Federal Government; and

WHEREAS, during recent years there have been certain restrictions placed on the Corps of Engineers by the Executive Department of the Federal Government that have apparently prevented the Engineers from allocating funds to resume advanced planning of the Millers Ferry multiple-purpose dam, this being scheduled by the Corps of Engineers as the first of three dams to be constructed on the Alabama River; and

WHEREAS, a further postponement of the development of the river involves a continuing loss in the economic advancement of the States of Alabama and Georgia and the Nation, and further will continue to delay the Federal Government's responsibility in assuming its initial partnership obligations in the ultimate development of the Alabama-Coosa River System from the mouth of the Alabama River to Montgomery, Alabama, then to Gadsden, Alabama, and eventually to Rome, Georgia.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the State of Alabama, the Senate concurring, that the Executive Department, Bureau of the Budget, remove any restrictions on the Corps of Engineers, U. S. Army, in the allocation of funds for development of the authorized projects on the Alabama River; and further, that the Congress of the United States is hereby requested to make available at the Second Session of the 86th Congress an appropriation for the resumption of advanced planning of the Millers Ferry multiple-purpose dam, Alabama River; and further, that the Corps of Engineers allocate funds to be included in the Fiscal Year 1961 Budget for plans on the initial project in the ultimate development of the Alabama-Coosa River System; and further that a copy of this Resolution be forwarded to each Member of the Alabama Congressional Delegation, and that they be urged to exert their every effort to expedite the complete development of the river system, and that they do concentrate their efforts in securing an appropriation from the present Congress during the Second Session that convenes in January, 1960; and further, that a copy of this Resolution be transmitted to the President of the United States, to the Director of the Bureau of the Budget, and to the Chief of Engineers, Corps of Engineers, U. S. Army.

Approved November 2, 1959.
Time: 8:30 A. M.

Act No. 336

H. J. R. 76—Callahan, Ferguson

HOUSE JOINT RESOLUTION

WHEREAS, Colonel James P. Clinton, formerly a Colonel on the Staff of Governor James E. Folsom, a native Tuscaloosan, an outstanding leader in the City and in the County of Tuscaloosa, and a member of the County Board of Equalization was stricken by death on Friday, October 9; and

WHEREAS, Colonel Clinton had served for many years as an active member of the fire department of the City of Tuscaloosa, had been State President of the Uniform Fire Fighters Association and had long been active in programs for fire prevention; and

WHEREAS, in addition to his long and faithful services to his native city as an employee, he has contributed much to his fellow citizens by his active interest and participation in numerous religious, civic, patriotic, and philanthropic organizations; and

WHEREAS, Colonel Clinton is particularly outstanding for his participation in the Tuscaloosa Central Labor Union, the Salvation Army, the Alabama State Federation of Labor, and the Uniform Fire Fighters Association; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING:

That the Legislature of Alabama hereby expresses its deep regret at the passing of this valuable citizen of Tuscaloosa, whose presence and wise leadership will be sorely missed, and hereby extends sincere sympathy to his wife and family.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded by the Clerk of the House to the widow and a copy thereof to the Tuscaloosa News at Tuscaloosa.

Approved November 2, 1959.

Time: 8:31 A. M.

Act No. 337

H. J. R. 77—Bailey, Pierce, Goodwyn,
Goldthwaite

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the two houses of the Legislature of Alabama notice with great pleasure the fact that the spectacular 6th Annual South Alabama Fair is now underway at the Coliseum in Montgomery, and we warmly commend the

members and officers of the Montgomery Kiwanis Club for their club's sponsorship of this splendid function, the profits of which enable the club to contribute enormously to the support of such youth agencies as the YMCA, YWCA, Boy Scouts, Girl Scouts, and many other worthwhile organizations. The South Alabama Fair is noted for its fine exhibits of agricultural and industrial products and activities, for the glitter and glamour of its midway, for the capital entertainment provided by its carnival and shows, and for the relaxation and enjoyment it affords all those who attend. The two houses extend their best wishes for a successful run for the Fair during the week of October 12-17, 1959.

Approved November 2, 1959.

Time: 8:32 A. M.

Act No. 338

H. J. R. 78—Steagall

HOUSE JOINT RESOLUTION

BE IT RESOLVED by the House of Representatives of the State of Alabama, the Senate concurring, that:

WHEREAS, on October 11, 1959, Judge Frank O. Deese, former Probate Judge of Dale County, Alabama, departed this life, leaving behind him a host of devoted friends acquired through the lifetime of service to his fellowman; and

WHEREAS, Judge Deese had served with distinction as a member of the House of Representatives of the State of Alabama from Dale County during the Kilby administration; and

WHEREAS, Judge Deese had served as Probate Judge of Dale County for eighteen (18) years during which period of time many progressive steps were accomplished for Dale County, all with distinction as a public servant; and

WHEREAS, Judge Deese, above all else, was an outstanding Christian gentleman who loved people and who was loved by all who knew him; and

WHEREAS, the people of Dale County and indeed all the people of Alabama, have suffered a great loss in the passing of this distinguished man;

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the State of Alabama deeply mourns the death of Judge Frank O. Deese, and in recognition of his many years of devoted and unselfish service to his fellowman adopts this resolution and directs that the resolution be spread upon the pages of the Journals of both Houses of the Legislature and that a duly executed copy hereof be forwarded to the following mem-

bers of the family of Judge Deese: his widow, Mrs. Berta Martin Deese, Ozark; his daughter, Mrs. William B. Kingsley, Ozark; and his daughter Mrs. Jack C. Jones, Silver Springs, Maryland.

Approved November 2, 1959.
Time: 8:34 A. M.

Act No. 339

H. J. R. 79—Martin, Oakley

HOUSE JOINT RESOLUTION

WHEREAS, Samuel Cornelius Nettles, Senior, the father of our distinguished colleague from Wilcox County, departed this life on March 21, 1959; and

WHEREAS Mr. Nettles was a life-long resident of Alabama, having been born in Buena Vista, Alabama, in Monroe County, eighty years ago and residing at the time of his death in Arlington, Alabama; and

WHEREAS he was a leading merchant and had formerly engaged in the lumber business, was also a Methodist, Mason and Democrat; and

WHEREAS he was the father of six children, all of whom have made contributions to their respective communities; and

WHEREAS Mr. Nettles was an outstanding citizen, family man and christian; Now, Therefore,

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That this Legislature notes with profound regret the passing of Samuel Cornelius Nettles, Senior, and expresses sympathy to all the surviving members of his family.

BE IT FURTHER RESOLVED That the Clerk of the House be directed to transmit a copy of this Resolution to Mrs. Janie Nettles and to the sons and daughters of Mr. Nettles.

Approved November 2, 1959.
Time: 8:35 A. M.

Act No. 340

H. J. R. 80—Jones (Covington)

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the two Houses mark with deep regrets the passing of Professor J. E. Henley in Florala on Saturday, October 17, 1959. Professor Henley was a veteran educator with more than fifty

years of devoted service. He was an esteemed member of the House during the second term of the late Governor Bibb Graves. His death is a great loss to his community and to Alabama, and his passing is deeply mourned.

RESOLVED FURTHER, That the Clerk is directed to send a copy of this resolution to Mrs. J. E. Henley, at Florala, Alabama.

Approved November 2, 1959.

Time: 8:36 A. M.

Act No. 341

H. J. R. 82—Murphy, Hocklander

HOUSE JOINT RESOLUTION

WHEREAS, on Saturday, October 17th, 1959, Samuel Palmer Gaillard, the oldest living member of the American Bar Association, passed to his reward at Mobile, Alabama, in the 104th year of his life after long and faithful service to his people; and,

WHEREAS, the outstanding ability of Mr. Gaillard, coupled with the spotless life which he had led and his superb Christian character endeared him to the hearts of all who knew him; and,

WHEREAS, in his career as an outstanding and learned attorney, as a member of the old Alabama Railroad Commission, as a member of the Mobile County Board of Revenue and Road Commissioners, and as President of the Board of School Commissioners of Mobile County he rendered outstanding service to his fellow men; and,

WHEREAS, he was the oldest Free Mason in America and for almost three-quarters of a century had served as an Elder in the Presbyterian Church and had been honored by his brethren at the Mobile Bar by being made Honorary President Emeritus of the Mobile County Bar Association, and we deem it fitting that this Legislative Body should take some note of the passing of such a distinguished and outstanding citizen:

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring, that the people of Alabama, the South and the Nation have lost in the death of Samuel Palmer Gaillard a great lawyer, an outstanding Christian gentleman, and one of whom all of us have been justly proud.

BE IT FURTHER RESOLVED that a copy of this resolution be spread on the minutes of the Senate and of the House of Representatives, and that a copy be sent to the press and to the bereaved family of our departed friend.

Approved November 2, 1959.

Time: 8:40 A. M.

Act No. 342

H. J. R. 83—Smith (St. Clair), Grouby

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the two houses of the Legislature of Alabama warmly commend the officers and members of the Alabama Farm Bureau for their decision to hold their 1959 annual meeting in Montgomery, Alabama, instead of out of state. We also extend our best wishes to this fine organization for a successful and enjoyable meeting.

RESOLVED FURTHER, That the Clerk of the House is directed to send copies of this resolution to the President and directors of the Alabama Farm Bureau.

Approved November 2, 1959.

Time: 8:41 A. M.

Act No. 343

H. J. R. 86—Martin, McLendon (Bullock),
Jones (Monroe)

HOUSE JOINT RESOLUTION

WHEREAS, death came on October 27 to Judge Eleanor Montgomery Coleman, wife of Justice James S. Coleman, and daughter of the late Judge L. H. Montgomery; and

WHEREAS, Judge Coleman was one of the State's most loved public servants having served Greene County with distinction as Chief Clerk in the Probate Office during her father's many terms as Judge of that Court and later succeeding him to this Judgeship; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the Legislature hereby expresses deepest grief upon her passing and extends to the surviving members of her family deepest and most sincere sympathy.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Justice Coleman.

Approved November 2, 1959.

Time: 8:41 A. M.

Act No. 344

H. J. R. 87—Bailey, Goodwyn, Pierce

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the two houses extend

thanks to the Commissioner and Board of Corrections and the genial and hospitable employees of the Department of Corrections for the dove shoot and barbecue given in honor of the members on Thursday, October 24, at the Department's cattle ranch near Greensboro. This affair was enjoyed tremendously by all who attended; and our hosts are warmly commended for their solicitous concern for our comfort, pleasure and enjoyment.

RESOLVED FURTHER, That the Clerk be directed to send copies of this resolution to the Commissioner of Corrections, the individual members of the Board of Corrections, and Hon. Frank Lee, Deputy Commissioner of Corrections.

Approved November 2, 1959.

Time: 8:42 A. M.

Act No. 345

S. J. R. 34—deGraffenried

SENATE JOINT RESOLUTION

WHEREAS the members of the Legislature have heard with profound regret of the death on October 18 of William T. Callahan, Jr., beloved brother of Representative A. K. Callahan, and of the death on October 20 of Arthur Blackmon, Mr. Callahan's brother-in-law; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the two Houses extend deepest sympathy to Representative Callahan and to the surviving members of the families of the deceased.

RESOLVED FURTHER, That the Clerk of the House send a copy of this resolution to Mrs. William T. Callahan, Jr., and a copy to the surviving widow of Mr. Blackmon.

Approved November 2, 1959.

Time: 8:58 A. M.

Act No. 346

S. 41—Cooper

AN ACT

To amend further Section 64 of Title 36, Code of Alabama 1940; providing for the issuance of learner permits to persons between the ages of fifteen and sixteen years, authorizing such persons to operate motor vehicles under certain prescribed conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 36, Section 64, as amended, is amended further to read as follows:

"Section 64. (a) Any person who, except for his lack of

instruction in operating a motor vehicle, would otherwise be qualified to obtain a driver's license under this article, may apply for a temporary instruction permit, and the judge of probate may issue such permit upon a form which shall be provided by the director of public safety, entitling the applicant, while having such permit in his immediate possession, to drive a motor vehicle upon the highways for a period of thirty days, but, except when driving a motorcycle, such person must be accompanied by a licensed driver who is actually occupying a seat beside the driver. At the time of applying for such permit, the applicant shall pay to the judge of probate a fee of thirty-five cents, and the judge of probate shall give him a receipt therefor on a form to be provided by the director of public safety. Such temporary instruction permit may be renewed only by order of the director of public safety, and in no case shall the original permit be renewed or extended more than once. Provided, however, that the judge of probate shall not issue the temporary instruction permit until the applicant has undergone the same examination that a person applying for a driver's license is required by law to undergo, with the exception of the driving test, and produced a certificate to that effect signed by the proper examining officer.

“(b) Any person not less than fifteen but under sixteen years of age may obtain a permit to learn to operate a motor vehicle upon application to the judge of probate of the county in which he or she resides, which permit shall entitle such person to operate a motor vehicle when he or she is accompanied by a parent or his or her legal guardian who is duly licensed in this State as a motor vehicle operator, or when accompanied by a licensed or certified driving instructor, who is actually occupying a seat beside the motor vehicle operator. The application for a learner's permit must be accompanied by payment of a fee of fifty cents, to be distributed as provided in section 61 of this title, as heretofore or hereafter amended; and the age of the applicant must be substantiated by the applicant filing with the judge of probate a certified copy of his or her birth certificate. A permit issued under this subsection shall be in such form as the director of public safety may prescribe; it shall expire on the day after the holder thereof becomes sixteen years of age; and when the holder subsequently applies for a driver license, the certificate thereof shall be prima facie evidence that the permit holder was fifteen years of age or older on the date of its issuance. Such a permit may be suspended or revoked in the same manner and for the same causes as a driver license, and may also be revoked for any violation of the terms and conditions on which it was issued. The judge of probate shall not issue such a permit to any person until the applicant has undergone the same examination that a person applying for a driver license is required by law to undergo, with the exception

of the driving test, and has produced a certificate to that effect signed by the proper examining officer."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 2, 1959.

Time: 8:50 A. M.

Act No. 347

S. 277—Givhan, Graham, Turner, Wilson
Andrews, Eddins

AN ACT

To amend Section 14 of Act No. 207, S. 134, approved July 12, 1949 (Acts 1949, p. 242), the same being known as the "Alabama Coal Mine Safety Law of 1949", relating to "mine gases and quality of air"; to define certain terms used therein; and to provide further for reclassification of mines under certain circumstances.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 14 of Act No. 207, S. 134, approved July 12, 1949 (Acts 1949, p. 242), the "Alabama Coal Mine Safety Law of 1949," is amended to read as follows:

"Section 14. Mine Gases And Quality Of Air.—(a) Any mine in which at any time in two years preceding the classification, methane has been ignited or has been detected on a permissible flame safety lamp, or by air analysis in an amount of 0.25 per centum or more in any open workings, shall be classified as gassy. The term air analysis as used in the preceding sentence shall mean an analysis in an open working of such mine when tested at a point not less than 12 inches from the roof, face or rib of such mine.

"(b) Air in which men work or travel must promptly be improved if it contains less than 19.5 percent oxygen, more than 1.0 percent carbon dioxide, or is contaminated with noxious or poisonous gases.

"(c) If the air immediately returning from a split that ventilates any active workings contains more than 1.0 percent methane, the ventilation shall be improved, and if it contains 1.5 percent or more of methane, the power shall be cut off from the portion of the mine affected, and the employees required to withdraw until ventilation is improved.

"(d) Face work must be stopped, power to face equipment cut off and the employees ordered and required to withdraw until ventilation is improved, whenever gas can be detected on a permissible flame safety lamp at any point not less than 12

inches from the roof, face or rib. This does not apply to other faces in the entry or slope in which work can be safely continued.

“(e) When entries or faces are stopped on account of gas, for ventilation to be improved, only employees designated to work on improving the ventilation under competent direction may be permitted in the affected area. Power shall not be restored until ventilation is improved.

“(f) When a mine has been classified as gassy, it shall be re-classified by the chief of the division upon request by the operator within thirty (30) days from the receipt by the chief of the division of such request if (1) it is recommended by two or more mine inspectors provided the mine has met the standards for a non-gassy mine for two years continuously, and there is no reason for the chief to consider the mine potentially gassy to any greater extent than non-gassy mines operating in similar seam conditions or (2) the mine has been either before or after the effective date of this Act classified as gassy by any method or procedure other than in accordance with the standards of subsection (a) of this Section, as amended.”

Section 2. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved November 2, 1959.

Time: 8:51 A. M.

Act No. 348

S. 327—Green

AN ACT

To fix the compensation of the county solicitor of Sumter County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the county solicitor of Sumter County, Alabama, shall be the sum of One Thousand Eight Hundred And No/100 Dollars (\$1,800.00) per annum, payable in equal monthly installments out of the general fund of the county treasury at the end of each month.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 2, 1959.

Time: 8:52 A. M.

Act No. 349

S. 343—Green

AN ACT

To provide a chief clerk for the Tax Assessor of Sumter County, Alabama, to regulate and fix his or her compensation and provide for the payment thereof and define his or her duties, and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Tax Assessor of Sumter County, Alabama is hereby authorized and empowered to appoint one chief clerk whose salary shall not exceed \$1,500.00 per annum to be paid in equal monthly installments, to be fixed by the Board of Commissioners of Sumter County, Alabama.

Section Two: The said Chief clerk for said Tax Assessor shall serve at the pleasure of said Tax Assessor and his or her salary shall be paid from the general fund of Sumter County, Alabama upon separate warrants drawn in the manner provided for the payment of other employees of said county.

Section 3: The duties of said Chief Clerk shall be those delegated to him or her by the said Tax Assessor.

Section 4: In the event that there becomes a vacancy in said office of Tax Assessor of Sumter County or in case said Tax Assessor becomes incapacitated for any cause, then and in that event, the said Chief Clerk shall assume all duties and authority now invested in the Tax Assessor, and shall remain in every sense the Tax Assessor until a Tax Assessor is elected or appointed as provided by law.

Section 5: The provisions of this act are severable and if any part of this act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 6: All laws or parts of laws which conflict with this act are repealed.

Section 7: This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 2, 1959.

Time: 8:52 A. M.

Act No. 350

S. 369—Graham

AN ACT

To regulate the manner of constructing, improving, maintaining, repairing, and equipping public school buildings in Chilton County.

Be It Enacted by the Legislature of Alabama:

Section 1. All contracts made by the board of education of Chilton County for the construction of public school buildings, or additions thereto, or for the purchase of equipment therefor when any such purchase involves a sum in excess of eight hundred dollars (\$800), shall be let on the basis of written, sealed, competitive bids. In the purchase of such equipment, no undertaking involving sums in excess of eight hundred dollars (\$800) shall be split into parts involving sums less than eight hundred dollars (\$800) for the purpose of evading the requirements of this Act. All such partial contracts involving less than eight hundred dollars (\$800) shall be void. Advertisements for bids shall be given by publication thereof at least one time in a newspaper of general circulation published in Chilton County. In the event a newspaper of general circulation is not published in the county, the publication in a newspaper of general circulation throughout the State shall be sufficient to comply with the requirements of this section. Advertisements for bids shall describe the character of the proposed contract or agreement in sufficient detail to insure that all bidders shall know exactly what their obligations will be either in the advertisement itself or by reference to plans and specifications on file with the county board of education at the time of the publication of the advertisement for bids. Advertisements for bids shall state the day, time, and place of opening sealed bids, and no bid shall be received after such indicated time. All bids shall be publicly opened by the board, and all bidders shall be entitled to be present in person or by representative. No bid for the construction of a school building, or any addition thereto, shall be accepted from, and no contract shall be awarded to, any person, firm, or corporation not having been licensed as a general contractor under the laws of this State. Cash, a cashier's check, or a certified check, as a deposit of good faith, in a reasonable amount but not exceeding five percent (5%) of the proposed contract price, shall accompany the sealed proposal of each bidder. All contracts shall be awarded to the lowest responsible bidder. It is provided, however, that the board of education shall have the right to reject any and all bids if the price is deemed excessive or if no responsible bids are received. If all bids are rejected, the board shall advertise again and proceed as before. Bond for faithful performance of any contract awarded hereunder, with adequate surety, shall be required in an amount equal to the amount of the contract.

Section 2. If the total cost of improving, maintaining, and repairing public school buildings in Chilton County in any one year does not exceed the sum of twenty thousand dollars (\$20,000.00), the board of education may utilize the services of regular employees of the board in carrying out such improve-

ment, repair, and maintenance program. In the event the total cost of such improvement, repair, and maintenance exceeds the sum of twenty thousand dollars (\$20,000.00) in any one year, the board of education shall award contracts for such improvement, repair, and maintenance on the basis of written, sealed, competitive bids, in the same manner and to the same extent as required in Section 1 of this Act in the construction of public school buildings, or additions thereto, or the purchase of equipment therefor. On or before the first day of June each year, the principal or superintendent of each public school under the jurisdiction and authority of the board of education shall furnish in writing to the board the estimated cost of necessary improvements, repair, and maintenance to such school during the next succeeding school year.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 2, 1959.

Time: 8:54 A. M.

Act No. 351

S. 370—Graham

AN ACT

To amend Section 8 of the Act approved September 12, 1951, which established the Board of Revenue and Control of Chilton County (Act No. 872, H. 1118, Acts 1950-1951, vol. II, p. 1505); providing for nomination of each associate member of the board by the voters of his district.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of the Act No. 872, H. 1118, approved September 12, 1951, (Acts 1950-1951, vol. II, p. 1505) is hereby amended to read as follows:

"Section 8. Each associate member of the Board shall be a resident and qualified elector of the district for which he is elected, and shall reside in said district continuously during the term of his office. Each member shall be nominated for election by the voters of the district, not by the voters of the county at large."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 2, 1959.

Time: 8:54 A. M.

Act No. 352

S. J. R. 30—Caffey

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, THAT:

WHEREAS, on October 7, 1959, Judge David H. Edington, Presiding Judge of the Thirteenth Judicial Circuit of Alabama, departed this life, leaving behind him a host of devoted friends acquired throughout a lifetime of service to his fellowman; and

WHEREAS Judge Edington served as Recorder of the City of Mobile for twenty-six (26) years; and as Circuit Judge in Mobile County for twenty-one (21) years, all with distinction as a public servant and distinguished jurist; and

WHEREAS Judge Edington, above all else, was an outstanding Christian gentleman who served for over forty (40) years as an elder of Central Presbyterian Church of Mobile; and

WHEREAS the bench and bar, and indeed all the people of Alabama, have suffered a great loss in the passing of this distinguished man;

NOW, THEREFORE, BE IT RESOLVED THAT THE LEGISLATURE OF THIS STATE OF ALABAMA DEEPLY MOURNS THE DEATH OF JUDGE DAVID H. EDINGTON, and in recognition of his many years of devoted and unselfish service to his fellowman adopts this resolution and directs that the resolution be spread upon the pages of the Journals of both houses of the Legislature and that a duly executed copy hereof be forwarded to the family of Judge David H. Edington.

Approved November 2, 1959.

Time: 8:57 A. M.

Act No. 353

S. 90—Cooper and Gaither

AN ACT

To amend Title 37 Section 462 of the Code of Alabama 1940, as amended, relating to the publication and recording of ordinances.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 462 of Title 37, Code of Alabama 1940 be and the same is hereby further amended to read as follows: "Section 462.(1999) (1258) Publication and recording of ordinances.

"(a) All ordinances shall, as soon as practicable after their passage, be recorded in a book kept for that purpose and be authenticated by the signature of the clerk.

“(b) All ordinances of a general or permanent nature, except as hereinafter provided, shall be published in some newspaper of general circulation published in the municipality, but if no such newspaper is published in the municipality, such ordinances may be published by posting copies thereof in three public places within the municipality, one of which shall be at the post office or the mayor's office in such city or town; in the event there is no newspaper published in the municipality and there is a newspaper published in the county in which the municipality is located having general circulation in the municipality, at the option of the governing body of such municipality, the ordinance may be published in such newspaper. In towns having a population of less than 2000 inhabitants, as shown by the last or any subsequent federal census, the governing body of such town shall have the option of publication of the ordinance by posting as above provided, or in a newspaper published in the town, or in the county having a general circulation in the town.

“When the ordinance is published in the newspaper it shall take effect from and after the time it shall first appear therein and when published by posting it shall take effect five days thereafter.

“(c) Immediately following the record of any ordinance the clerk shall append a certificate stating therein the time and manner of publication, which certificate shall be presumptive of the facts stated therein.

“(d) All ordinances granting a franchise shall be published at the expense of the party or parties to whom the franchise is granted.

“(e) Ordinances may adopt by reference thereto, without setting the same out at length in the ordinance, rules and regulations which have been printed as a code in book or pamphlet form, for: (1) the construction, erection, alteration, or improvement of buildings; (2) installation of plumbing or plumbing fixtures; (3) installation of electric wiring or lighting fixtures; (4) installation of gas or gas fixtures; (5) fire prevention; (6) health and sanitation; (7) milk and milk products; (8) parks; (9) airports; (10) water works and sewers and (11) traffic, if, before adopting such code in book or pamphlet form, the governing body of the city or town shall by resolution hold a public hearing of which there shall be at least 15 day notice of the time, place and purpose of such hearing by publication of the resolution once a week for two successive weeks, or by posting notices of such for such length of time, as the case may be, under subsection (b); such resolution shall provide that not less than three copies of such code shall be filed for not less than 15 days prior to the holding of the

public meeting for use and examination by the public in the office of the city or town clerk. Amendments to such rules or regulations adopted as a code thereafter shall be adopted by ordinances published as herein provided in subsection (b).

“(f) The following shall not be deemed ordinances of a general or permanent nature requiring publication:

“(1) Authorizing or ratifying contracts with public utilities for utility services for a specified term.

“(2) Authorizing the issuance or sale or security of bonds, debentures, notes, warrants and other obligations, whether full faith and credit obligations or payable from general revenues, or special taxes, or from revenues of a utility or other property of a municipality.

“(g) The provisions of this section shall not apply to the adoption of a code for the revision and codification of the ordinances of a municipality and the adoption of such code by ordinance as provided in Title 37, Section 461 of the Code of Alabama 1940.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved November 2, 1959.

Time: 9:00 A. M.

Act No. 354

S. 330—Cooper

AN ACT

To amend further Section 46 of Title 36 Code of Alabama 1940, as amended, so as to provide that parking lights may exhibit an amber light as well as a white light.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 46 of Title 36, Code of Alabama 1940, as amended, is hereby further amended to read as follows:

“Section 46. (a) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise where there is sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such street or highway no lights need to be displayed upon such parked vehicle.

“(b) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and half hour before sunrise and there is not sufficient light to reveal

any person or object within a distance of five hundred (500) feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more lamps which shall exhibit a white or amber light on the roadway side visible from a distance of five hundred (500) feet to the front of such vehicle and a red light visible from a distance of five hundred (500) feet to the rear. The foregoing provisions shall not apply to a motor driven cycle.

“(c) Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 2, 1959.

Time: 9:01 A. M.

Act No. 355

S. 338—Moses

AN ACT

Relating to Marion County: To provide for the appointment and compensation of clerical assistance for certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax assessor of Marion County is hereby authorized and empowered to appoint a clerk, who shall hold office at the pleasure of the tax assessor. Such clerk shall receive a salary of One Hundred dollars (\$100.00) a month.

Section 2. The tax collector of Marion County is hereby authorized and empowered to appoint a clerk, who shall hold office at the pleasure of the tax collector for a period not to exceed six months during any one calendar year. Such clerk shall receive a salary of One Hundred dollars (\$100.00) a month while actually employed in the office of the tax collector, but not to exceed six months during any one calendar year.

Section 3. The compensation of the clerks herein provided for shall be paid out of the general fund of Marion County on warrant drawn in the manner prescribed by law.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 2, 1959.

Time: 9:02 A. M.

Act No. 356

S. 339—Moses

AN ACT

For the relief of Lee Other Harris; authorizing and directing the board of revenue, court of county commissioners, or other like governing body of Marion County to make an appropriation from the county treasury to compensate Lee Other Harris for certain damages.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or other like governing body of Marion County is hereby authorized, empowered, and directed to appropriate from the county treasury the sum of one thousand dollars (\$1000) for the relief of Lee Other Harris to compensate him for personal injuries he sustained, while acting within the line and scope of his duties as an employee of Marion County, in an accident involving a truck owned by Marion County, which said accident occurred on or about Oct. 29, 1957, at or near Hamilton, Alabama, under such circumstances that said county is morally and justly obligated to pay damages, but the said Lee Other Harris has no recourse at law to recover the same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 2, 1959.

Time: 9:03 A. M.

Act No. 357

S. 377—Andrews

AN ACT

To extend, alter and rearrange the boundary and corporate limits of the City of Union Springs, in Bullock County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the corporate limits of the City of Union Springs, in Bullock County, Alabama, be and the same are hereby extended, altered and rearranged so as to include within the corporate limits of said City all of the following adjacent territory:

Beginning at a point on the East line of the corporate limits of the City of Union Springs, Alabama, where the Half Section Line which runs East and West through Section 35, Township 14 North, Range 23 East, intersects the said corporate limits and run thence East along the said Half Section line to the North East corner of the SE $\frac{1}{4}$ of said Section 35, thence East along the Half Section line 1443 feet to a point, thence South to the South Section Line of Section 36, Township 14 North, Range 23 East, thence South 1320 feet, thence West to the East cor-

porate limits of the said City of Union Springs, Alabama, thence in a Northerly direction along said corporate limits of said City to the point of beginning of the lands hereinabove described lying partly in Section 35 and 36 of Township 14, Range 23 and partly in Sections 1 and 2 of Township 13, Range 23, in Bullock County, Alabama.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 2, 1959.

Time: 9:05 A. M.

Act No. 358

S. 379—Leonard

AN ACT

To authorize and empower the board of revenue, court of county commissioners, or other like governing body of Talladega County, in its discretion, to provide branch offices in the City of Sylacauga for the use of the judge of probate, tax assessor, tax collector, sheriff, or their clerks or deputies, or other officers of Talladega County, in the performance of their official duties; and to authorize and empower the governing body of Talladega County to furnish office space, clerical assistance, equipment, and supplies necessary for the proper and efficient operation of such branch offices and to adopt rules and regulations governing the operation of such branch offices.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or other like governing body of Talladega County, in its discretion, may provide a branch office in the City of Sylacauga for the use of the judge of probate, tax assessor, tax collector, sheriff, or their clerks or deputies, or other officers of Talladega County, in the performance of official duties. The county governing body shall adopt rules and regulations governing the operation of such branch offices, including the period or periods of time each year during which any of such branch offices shall remain open and in operation, and shall furnish such office space, clerical assistance, equipment, and supplies as may be necessary for the proper and efficient operation of such branch offices. All expenses incurred under the provisions of this Act in the establishment and operation of such branch offices shall be paid out of the general fund of the county on warrants drawn in the manner prescribed by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 2, 1959.

Time: 9:08 A. M.

AN ACT

To alter and re-arrange the boundary lines of the City of Homewood, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

Be It Enacted by the Legislature of Alabama:

Section 1. That, from and after the passage and approval of this Act the boundary lines of the City of Homewood, Jefferson County, Alabama, be and the same are altered and re-arranged so as to include within the corporate limits of said City, in addition to the territory included within its present corporate limits, the territory lying and situated in Jefferson County, Alabama, contiguous to said City, more particularly described as follows:

All that part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, Township 18 South, Range 2 West, situated in Jefferson County, Alabama, which lies Southeast of Shades Creek and East of the right-of-way of the Montgomery Highway as described in deed to Jefferson County recorded in Vol. 3082, page 147, in the Office of the Judge of Probate of said County; also all that part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, Township 18 South, Range 2 West, which lies Southeast of Shades Creek and Southwest of the Smyer Road.

Also, all that part of the South Half of the SW $\frac{1}{4}$ of Section 17, Township 18 South, Range 2 West, which lies North of the northerly right-of-way line of Alabama Power Company transmission line.

Also a triangular parcel of land in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18, Township 18 South, Range 2 West, lying North of the Alabama Power Company's right-of-way, West of the East Line of Section 18, Township 18 South, Range 2 West, and Southeast of the New Montgomery Highway, except that part of said parcel heretofore deeded to Jefferson County, 2.2 acres, more or less and being the same land conveyed on August 4, 1955, by John G. Burton, Hampton C. Hopkins, Ray Frank Robbins, et al to Cherokee Land Company, Inc., which deed is filed in Vol. 5431, page 323, Record of Deeds in the Probate Office of Jefferson County, Alabama.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 2, 1959.

Time: 9:10 A. M.

Act No. 360

S. 389—Andrews

AN ACT

To regulate the duties and compensation of certain deputy sheriffs for Bullock County.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be the special duty of each deputy sheriff in Bullock County whose compensation is payable by the county to enforce state traffic and motor vehicle laws, and while not so engaged to perform such other duties for the sheriff as the sheriff may direct, but his essential duties shall be to enforce said state traffic and motor vehicle laws as herein provided. The compensation of such deputies payable by the county shall be paid out of the county public highway and traffic fund or the general fund of the county, in whole or in part, as the county governing body shall direct.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 2, 1959.

Time: 9:11 A. M.

Act No. 361

S. 259—Moses

AN ACT

To allow the Sheriff of Marion County, Alabama, one additional deputy sheriff in addition to those now provided by law, and to authorize the governing body of Marion County to pay the salary of the same; to fix the salary of said additional deputy and to make same payable out of the general funds of Marion County, in monthly installments; to authorize the Sheriff's supervision and control of said additional deputy and to provide for the appointment of the same.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Marion County, Alabama, is hereby allowed one additional deputy sheriff to those now provided by law, which deputy shall receive a salary of not less than \$1,800.00 per annum nor more than \$4,200.00 per annum, to be paid in twelve equal monthly installments out of the general funds of Marion County, Alabama. Said deputy shall be eligible to perform the duties of deputy sheriff anywhere in said County.

Section 2. The appointment of the additional deputy sheriff herein provided shall be made by the Sheriff of Marion County

and certified by him to the governing body of Marion County, Alabama, and the salary of said deputy shall be fixed by the said governing body as provided in this Act. Such additional deputy sheriff shall serve at the pleasure of the Sheriff of Marion County, Alabama.

Section 3. That on the first day of each month the governing body of Marion County shall order a warrant to be drawn upon the general funds of said County, payable to said deputy sheriff, for the monthly salary as shall be due him under the provisions of this Act.

Section 4. If any part, paragraph, or section of this Act be declared unconstitutional, the balance of said Act shall not be affected thereby.

5. This Act shall be of full force and effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 2, 1959.

Time: 9:15 A. M.

Act No. 362

S. 398—Leonard

AN ACT

To authorize and empower the board of revenue, court of county commissioners, or other like governing body of Talladega County to provide an annual allowance to the sheriff of Talladega County for the purchase of equipment and for the purchase of uniforms for the personnel of the sheriff's department.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or other like governing body of Talladega County is hereby authorized and empowered to appropriate during each fiscal year, out of any funds in the county treasury not otherwise appropriated, a sum not exceeding one thousand five hundred dollars (\$1,500), to be used by the sheriff of Talladega County for the purchase of equipment necessary for the proper performance of his duties and for the purchase of uniforms for the deputies, jailers, and other employees of the sheriff's department.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 2, 1959.

Time: 9:15 A. M.

Act No. 363

S. 267—Archer

AN ACT

To amend further Section 1 of Act No. 691, S. 284, approved September 5, 1951 (Acts of Alabama, 1951, p. 1192), entitled "An Act to fix the compensation of court reporters, and providing for the payment thereof," in relation to the compensation of the court reporters of the Twenty-third Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 691, S. 284, approved September 5, 1951 (Acts of Alabama, 1951, p. 1192), as amended, entitled "An Act to fix the compensation of court reporters, and providing for the payment thereof," is amended further to read as follows:

"Section 1. (a) The official court reporters appointed and holding office under the provisions of law shall receive a salary of forty-eight hundred dollars per annum, twenty-two hundred dollars of which shall be payable in monthly installments by the counties composing the circuits, each county to pay its pro rata part thereof, upon the basis of the assessed tax valuation of all property in such county for the preceding year, such payments to be made on certificate issued by the judge of the court in favor of such official reporter for the respective amounts due by the several counties each month, the same to be paid by the treasurer of each county out of the general fund on presentation in the same manner as jurors' certificates are now paid, and the remaining twenty-six hundred dollars per annum shall be paid in equal monthly installments on the warrant of the State Comptroller from the general fund in the state treasury, except as hereinafter provided.

"(b) The official court reporter of the Twenty-second Judicial Circuit shall receive a total salary of five thousand dollars per annum, twenty-four hundred dollars of which shall be payable in equal monthly installments by the counties composing the circuit as set out in subsection (a) above, and the remaining twenty-six hundred dollars per annum shall be paid in equal monthly installments on the warrant of the State Comptroller from the general fund in the state treasury.

"(c) The official court reporter of the Sixth Judicial Circuit shall receive a total salary of fifty-four hundred dollars per annum, twenty-eight hundred dollars of which shall be payable in equal monthly installments by the counties composing the circuit as set out in subsection (a) above, and the remaining twenty-six hundred dollars per annum shall be paid in equal monthly installments on the warrant of the State Comptroller from the general fund in the state treasury.

"(d) The official court reporter of the Sixteenth Judicial

Circuit shall receive a total salary of fifty-four hundred dollars per annum, twenty-eight hundred dollars of which shall be payable in equal monthly installments by the counties as set out in subsection (a) above, and the remaining twenty-six hundred dollars per annum shall be paid in equal monthly installments on the warrant of the State Comptroller from the general fund in the state treasury.

“(e) The official court reporters of the Fifteenth Judicial Circuit shall each receive a total salary of sixty-four hundred dollars, thirty-eight hundred dollars of which shall be payable in equal monthly installments by the county composing the circuit, and the remaining twenty-six hundred dollars per annum shall be paid in equal monthly installments on the warrant of the State Comptroller from the general fund of the state treasury.

“(f) The official court reporters of the Thirteenth Judicial Circuit shall each receive a total salary of six thousand dollars, thirty-four hundred dollars of which shall be payable in equal monthly installments by the county composing the circuit, and the remaining twenty-six hundred dollars per annum shall be paid in equal monthly installments on the warrant of the State Comptroller from the general fund of the state treasury.

“(g) The official court reporter of the Twentieth Judicial Circuit shall receive a salary of fifty-eight hundred dollars per annum, thirty-two hundred dollars of which shall be payable in monthly installments by the counties composing the circuit, each county to pay its pro rata of such salary based upon the assessed value of all taxable property of such county for the preceding year on certificate issued by the judge of the court in favor of such reporter for the amount due by the County each month, and the remaining twenty-six hundred dollars shall be paid in equal monthly installments on the warrant of the State Comptroller from the general fund in the state treasury.

“(h) The official court reporters of the Twenty-Third Judicial Circuit shall each receive a total salary of fifty-four hundred dollars per annum, twenty-eight hundred dollars of which shall be payable in equal monthly installments by the counties as set out in subsection (a) above, and the remaining twenty-six hundred dollars per annum shall be paid in equal monthly installments on the warrant of the State Comptroller from the general fund in the state treasury.”

Section 2. This act shall become effective on the first day of the first month following its passage and approval by the Governor, or its otherwise becoming law.

Approved November 3, 1959.
Time: 2:10 P. M.

Act No. 364

H. 703—Gilmer, Hain, Hardy

AN ACT

To make an appropriation to the Cahaba Historical Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of six thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated from any funds in the state treasury not otherwise appropriated to the Cahaba Historical Commission for the purpose of acquiring title to sixty-five acres of land, more or less, which constituted the site for the first permanent seat of government in Alabama. Such appropriation shall be paid out on the requisition of the board of trustees of the Cahaba Historical Commission, subject to approval by the Governor.

Section 2. The appropriation herein made is in addition to all other appropriations heretofore or hereafter made to the Cahaba Historical Commission.

Section 3. This Act shall take effect October 1, 1959, or if enacted after that date, immediately upon its enactment.

Approved November 3, 1959.

Time: 4:00 P. M.

Act No. 365

H. 72—Hocklander

AN ACT

To provide for and regulate the selection and impaneling of alternate jurors for the trial of any civil case triable by a jury in all courts in all counties having a population of not less than 200,000 nor more than 400,000, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In any civil case triable by a jury in any court of any county having a population of not less than 200,000 nor more than 400,000, according to the last or any subsequent federal decennial census, the court may in its discretion order the selection of one or two alternate jurors for the trial of the case, but may order an alternate juror to take the place of a principal juror only when the principal juror is excused by the court, in the exercise of its sound discretion, prior to the retirement of the jury to consider its verdict, by reason of some mental or physical ailment in such principal juror, or his confrontation with some emergency rendering him unable to perform his duties satisfactorily.

Section 2. When only one alternate juror is to be selected, the parties shall be entitled to strike from a list containing the

names of at least three competent jurors in addition to the minimum number specified by law, as the case may require, and shall be required to strike alternately, as provided by law, until thirteen names remain on the list; and thereupon, the court shall select by lot one name from such thirteen names, and the juror whose name is thus selected shall be the alternate juror. The remaining twelve shall be the principal jurors.

If the court orders the selection of two alternate jurors, the parties shall be entitled to strike from a list containing the names of at least six competent jurors in addition to the minimum number specified by law, as the case may require, and shall be required to strike alternately, as provided by law, until fourteen names remain on the list; and thereupon, the court shall select by lot two names from such fourteen names, the first one selected to be designated as alternate juror number one and the other as alternate juror number two. The remaining twelve shall be the principal jurors.

Section 3. If two alternate jurors are selected and both are able to perform the duties of a juror satisfactorily, the court shall order alternate juror number one to take the place of the first member of the jury who is excused from further service. If two alternate jurors are selected, but only one of them is able to perform the duties of a juror satisfactorily, then such alternate shall be ordered to take the place of any member of the jury who is excused from further service. An alternate juror who is able to perform satisfactorily the duties of a juror may be ordered to take the place of a juror who himself was originally an alternate juror, under the same conditions as he might have been ordered to take the place of one of the twelve principal jurors.

Section 4. Alternate jurors shall obey all orders and admonitions of the court. If the principal jurors are ordered to be kept in the custody of an officer or officers during the trial, such alternate jurors shall also be kept in custody with the regular jurors. All alternate jurors shall be seated near the principal jurors with equal facilities for observing the proceedings in the trial, and shall attend the trial at all times in company with the principal jurors. If any alternate juror is ordered to become a member of the jury, he shall take the same oath as that administered to other jurors, and shall have the same functions, powers, duties, and privileges as regular members of the jury. Any alternate juror who has not been ordered to take a place on the jury prior to the retirement of the jury to consider a verdict shall be discharged.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. The provisions of this Act are severable. If any

part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 6, 1959.

Time: 3:30 P. M.

Act No. 366

H. 73—Hocklander

AN ACT

Relating to judicial procedure, and to provide for and regulate the selecting and impaneling of juries and alternate jurors in all criminal and quasi-criminal cases in the circuit courts in counties having a population of not less than 200,000 nor more than 400,000, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to and be operative only in circuit courts of this State in counties having not less than 200,000 nor more than 400,000, according to the last or any subsequent federal decennial census.

Section 2. In every criminal case, any defendant or the prosecution may demand a struck jury. When so demanded, the clerk or his deputy or assistant or other person designated by the judge presiding, shall furnish all parties with a list thirty competent jurors in attendance upon the court in all cases except in capital cases, and in capital cases shall furnish all parties with a list of forty-two competent jurors in attendance upon the court; and from such lists so furnished a jury must be obtained by the prosecution striking first from the list the name of one juror, and the defendant striking from the list the name of two jurors, and thereafter the prosecution shall continue to strike off one name and the defendant shall continue to strike off two names until twelve jurors remain on the list, and these twelve thus selected shall be the jury charged with the trial of the case.

Section 3. The thirty, or forty-two, jurors shall be obtained from all of the jurors then in attendance upon the court and who at the time are readily and presently available for the trial of the case in such manner but without selection of names as the judge of such courts may prescribe by rule of court, or if no such rule is provided, then in such manner, but without selection of names, as ordered by the judge presiding on the trial of the case. In the event neither the prosecution nor any defendant demands a struck jury, the court shall obtain without selection of names, twelve competent jurors from the jurors then in attendance upon the court, and readily available for the trial, which said twelve jurors shall try the case.

Section 4. In the event that thirty competent jurors are not readily and presently available for the striking of a jury in a misdemeanor or quasi-criminal case, then the prosecution and the defendant or defendants may be required to strike from the competent jurors that are presently and readily available for the trial provided the number of competent jurors is not less than twenty-four. The striking of names when less than thirty competent jurors are presently and readily available for the trial shall proceed in the same order and manner as if striking from a list of thirty jurors, until only twelve jurors remain on the list and these twelve shall be the jury charged with the trial of the case.

Section 5. In case two or more persons are tried jointly by agreement, the solicitor shall strike one and each defendant shall have the right to strike off one name and they shall continue thus to strike off names until only twelve remain, and the twelve thus selected shall be the jury charged with the trial of the defendants.

Section 6. If any defendant or defendants should refuse to strike the number of jurors allowed him by the provisions hereof from the list furnished him, then the judge presiding shall proceed to strike off the names for the defendant or defendants refusing to strike.

Section 7. No special venire shall be ordered or drawn for the trial or trials of a defendant or defendants in capital felonies, but a defendant or defendants in capital felony cases shall be entitled to strike from a list of forty-two competent jurors obtained from the regular juries in the court.

Section 8. It shall not be a ground to quash the venire or to continue any case of the kinds referred to in this subdivision that the sheriff has failed to summon any of the jurors drawn for service during the week in which said case is set for trial, or that any of the jurors summoned have failed or refused to attend court, or that there is any mistake in the name of any juror summoned, or that a judge, either in open court or otherwise has, with the consent of the defendant, for any cause, excused any juror summoned for service for the week in which said case is set for trial.

Section 9. In any felony case, whether capital or non-capital, the court in its discretion may order the selection of one or two alternate jurors.

Section 10. If the court orders the selection of one alternate juror, such juror shall be selected in the following manner:

(a) If and when according to the provisions of sections 2, 3 and 7 of this Act the parties would be entitled (in the absence of such order for an alternate juror) to strike from a list of

thirty competent jurors, the parties shall be provided with, and required to strike from, a list of thirty-four competent jurors until thirteen names remain on the list. Thereupon the court shall select by lot one name from such thirteen names. The juror whose name is so selected shall be the alternate juror, and the remaining twelve shall be the principal jurors.

(b) If and when according to the provisions of sections 2, 3 and 7 of this Act, the parties would be entitled (in the absence of such order for an alternate juror) to strike from a list of forty-two competent jurors, the parties shall be provided with, and required to strike from, a list of forty-six competent jurors until thirteen names remain on the list. Thereupon the court shall select by lot one name from such thirteen names. The juror whose name is so selected shall be the alternate juror, and the remaining twelve shall be the principal jurors.

Section 11. If the court orders the selection of two alternate jurors, such alternate jurors shall be selected in the following manner:

(a) If and when according to the provisions of sections 2, 3 and 7 of this Act the parties would be entitled (in the absence of an order for alternate jurors) to strike from a list of thirty competent jurors, the parties shall be provided with, and required to strike from, a list of thirty-eight competent jurors until fourteen names remain on the list. Thereupon the court shall select by lot one name from such fourteen names, and the juror whose name is so selected shall be Alternate Juror No. 1. Thereupon the court shall select by lot from the remaining thirteen names, another name, and the juror whose name is so selected shall be Alternate Juror No. 2. The remaining twelve shall be the principal jurors.

(b) If and when according to the provisions of sections 2, 3 and 7 of this Act the parties would be entitled (in the absence of an order for alternate jurors) to strike from a list of forty-two competent jurors, the parties shall be provided with, and required to strike from, a list of fifty competent jurors until fourteen names remain on the list. Thereupon the court shall select by lot one name from such fourteen names, and the juror whose name is so selected shall be Alternate Juror No. 1. Thereupon the court shall select by lot from the remaining thirteen names, another name, and the juror whose name is so selected shall be Alternate Juror No. 2. The remaining twelve shall be the principal jurors.

Section 12. The court may order an alternate juror to take the place of a principal juror only when a principal juror, prior to the retirement of the jury to consider its verdict, is excused by the court, in the exercise of its sound discretion, from further service by reason of some mental or physical ailment in such

principal juror or his confrontation with some emergency, rendering him unable to perform his duties satisfactorily.

Section 13. If there are two alternate jurors, and both are able to perform the duties of a juror satisfactorily, the court shall order Alternate Juror No. 1 to take the place of the first member of the jury who, for a cause specified in section 12 of this Act, is excused from further service. If two alternate jurors were selected, but only one of them is able to perform the duties of a juror satisfactorily, then such one shall be ordered to take the place of any member of the jury who, for a cause specified in section 12 of this Act, is excused from further service. An alternate juror who is able to perform satisfactorily the duties of a juror may be ordered (under the same conditions as he might have been ordered to take the place of a member of the original twelve jurors) to take the place of a juror who himself was originally an alternate juror.

Section 14. All alternate jurors shall obey all orders and admonitions of the court. If the regular jurors are ordered to be kept in the custody of an officer or officers during the trial, such alternate jurors shall also be kept in such custody with the regular jurors. All alternate jurors shall be seated near the regular jurors with equal facilities for observing the proceedings in the trial, and shall attend the trial at all times in company with the regular jurors. If any alternate juror is ordered to become a member of the jury, he shall take the same oath as that administered to other jurors, and shall have the same functions, powers, duties, and privileges as regular members of the jury. Any alternate juror who has not been ordered to take a place on the jury, prior to the retirement of the jury to consider its verdict, shall be discharged.

Section 15. This Act shall supersede and repeal any and all local laws in conflict with or variant from this Act.

Section 16. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 17. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 6, 1959.

Time: 3:31 P. M.

Act No. 367

H. 533—Hanby

AN ACT

Relating to taxation: exempting the gross proceeds of sales of certain small stores or vending stands operated by blind persons from the sales tax, and prescribing penalties for violations of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is exempted from the provisions of Act No. 100, H. 94, approved August 18, 1959 and from the computation of the amount of the tax levied, assessed or payable under that Act the gross proceeds of sales amounting to one thousand dollars a month or less from small stores or vending stands operated by blind persons, as defined in Act No. 70, H. 118, approved August 12, 1959, provided that such small business establishment shall be the property of the blind operator or of the Business Enterprise Program for the Blind, sponsored jointly by the State Department of Education and the Alabama Institute for the Deaf and Blind; that the operator shall have filed application for exemption as required in Section 2 hereof; and that the blind operator shall have been for a period of two years next preceding the filing of his application for this exemption a bona fide resident of the State of Alabama.

Section 2. Any persons claiming exemption hereunder shall file with the Commissioner of Revenue an application therefor in the form prescribed by the Commissioner of Revenue, accompanied by a vision certificate from a regularly licensed physician or ophthalmologist.

Section 3. Any person who procures a license under the provisions of this Act and permits any other person, firm, or corporation to engage in or conduct business under this license shall be guilty of a misdemeanor and shall be punished as provided by law; and any person, firm or corporation, not entitled to exemption hereunder, who engages in or conducts business under a license issued to a blind person under the provisions of this Act shall be guilty of a misdemeanor and shall be punished as provided by law.

Section 4. All laws or parts of laws in conflict herewith are repealed.

Section 5. This Act shall take effect October 1, 1959.

Approved November 6, 1959.

Time: 5:40 P. M.

Act No. 368

H. 605—Rogers

AN ACT

Relating to Macon County; regulating further the practice of cosmetology in Macon County.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who has received a diploma from a qualified school of cosmetology, and who has served as an ap-

prentice cosmetologist for fifteen (15) months or more, shall be entitled to a certificate of registration from the Alabama Board of Cosmetology, upon application therefor, and shall be entitled to practice cosmetology in Macon County, any provision of law to the contrary notwithstanding. It is provided, however, that any cosmetologist licensed hereunder, except as otherwise expressly provided herein, shall be subject to all laws of this State regulating the practice of cosmetology and all rules and regulations duly promulgated and adopted by the Alabama Board of Cosmetology.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 6, 1959.

Time: 3:32 P. M.

Act No. 369

H. 693—Grouby

AN ACT

To amend further Section 5 of Act No. 222, H. 317, approved February 27, 1879 (Acts of Alabama, 1878, p. 248), entitled "An Act To establish a board of revenue for Autauga county, and to define the powers and duties of said board of revenue," by providing further for the compensation of the chairman and members of the board of revenue.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 222, H. 317, approved February 17, 1879 (Acts of Alabama, 1878, p. 248), as amended, entitled "An Act To establish a board of revenue for Autauga county, and to define the powers and duties of said board of revenue," is amended further to read as follows:

"Section 5. The chairman and members of the board of revenue of Autauga County shall each receive five dollars (\$5.00) for each day's actual attendance at meetings of the board. For the performance of their official duties in connection with the construction, repair, and maintenance of the roads and bridges of the county, the chairman and members of the board of revenue shall each receive not less than one hundred dollars (\$100.00) nor more than Two Hundred dollars (\$200.00) per month when actually engaged in the performance of such duties, the exact amount of such compensation to be fixed by the board by resolution duly adopted and spread upon the minutes. In addition, each member shall also be paid ten cents per mile in going to and returning from meetings of the board, and ten cents per mile for each mile necessarily traveled while occupied in the discharge of his duties in letting out, inspecting and accepting, building or repairing, any of the county bridges or buildings, roads or works."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 6, 1959.

Time: 5:45 P. M.

Act No. 370

H. 838—Avery

AN ACT

To amend Section 2 of an act approved June 3, 1953, establishing a board of revenue for Hale County (Act No. 61, H. 209, Acts of Alabama 1953, Vol. I, p. 89) so as to provide for the election of members of the board of revenue by districts.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of an act approved June 3, 1953, establishing a board of revenue for Hale County (Act No. 61, H. 209, Acts of Alabama 1953, Vol. I, p. 89) is hereby amended to read as follows:

“Section 2. That for the purpose of this Act and the enforcement thereof the said County of Hale shall be divided into Four subdivisions, to be known as Districts, and numbered respectively, from one to four, both inclusive. District No. 1 shall embrace and be composed of beats or precincts numbered 1, 2, 12 and 16 as now constituted or as the same may be hereafter changed in boundaries according to law. District No. 2 shall embrace and be composed of beats or precincts numbered 6, 7, 8 and 9 as now constituted or as the same may be hereafter changed in boundaries according to law. District No. 3 shall embrace and be composed of beats or precincts numbered 4 and 5 as now constituted or as the same may be hereafter changed in boundaries according to law. District No. 4 shall embrace and be composed of beats or precincts numbered 3, 10, 11, 13, 14 and 18 as now constituted or as the same may be hereafter changed in boundaries according to law. The incumbent members of the board shall continue in office until the expiration of the term for which they were elected. Succeeding members of the board from Districts No. 1 and No. 4 shall hold office for four years from the first Monday after the second Tuesday in January, 1963, and until their successors are elected and qualified, such election to be at the regular November election in 1962, and every four years thereafter. The succeeding members of said board from Districts No. 2 and No. 3 shall hold office for four years from the first Monday after the second Tuesday in January, 1961, and until their successors are elected and qualified, such

election to be held at the regular November election in 1960, and every four years thereafter. Each member of the board from a district of the county shall be elected by the qualified electors of the district, it being intended that two members of the board from districts in the county shall be elected every two years, commencing with the regular November election of 1960, each to be elected for a term of four years from the first Monday after the second Tuesday in January next after his election, and that each such member of the board shall be elected by the qualified electors of his district. The members of the board from each of the several districts of the county shall be at the time of their appointment or election of the age of twenty-five years or over, and, in addition, each shall be a qualified elector of and reside in the district for which he is elected, both at the time of his election and during his continuance in office."

Section 2. The provisions of this Act shall become effective only if approved by a majority of the qualified electors of Hale County who vote in a referendum election to be held thereon, such election to be held on the same date as the first countywide election held after the passage of this Act. The board of revenue of Hale County shall order and provide for the holding of the referendum on such date. On the ballots to be used at the referendum the question shall be stated substantially as follows: "Shall the provisions of Act No. _____ enacted at the 1959 regular session of the Legislature, which change the method of electing members of the board of revenue of Hale County, be adopted? Yes () No ()." If a majority of the votes cast at the referendum are "Yes" all the provisions of this Act shall become effective immediately. If the majority vote "No" this Act shall have no further force or effect. The judge of probate of Hale County shall certify the results of the referendum to the secretary of state within thirty days after the returns of the election have been canvassed.

Approved November 6, 1959.

Time: 3:33 P. M.

Act No. 371

H. 975—Hocklander, Murphy, Callahan,
Britton, Sessions, Morrow,
Trimmier

AN ACT

To amend Section 33 of Act No. 100 enacted at the Second Special Session of the Legislature of Alabama of 1959, entitled "An Act to raise revenue: Levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented."

Be It Enacted by the Legislature of Alabama:

That Section 33 of Act No. 100 enacted at the Second Special Session of the Legislature of Alabama of 1959, entitled "An Act to raise revenue: Levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented" is amended to read as follows:

"Section 33. There are exempted from the provisions of this Act and from the computation of the amount of the tax levied, assessed or payable under this Act the following:

"(a) The gross proceeds of the sales of lubricating oil and gasoline as defined in Sections 630 and 646 of Title 51, Code 1940, which are otherwise taxed.

"(b) The gross proceeds of the sale, or sales, of fertilizer. The word 'fertilizer' shall not be construed to include cottonseed meal, when not in combination with other materials.

"(c) The gross proceeds of the sale, or sales, of seeds for planting purposes and baby chicks and poults. Nothing herein shall be construed to exempt, or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale or sales of plants, seedlings, nursery stock or floral products.

"(d) The gross proceeds of sales of insecticides and fungicides and feed for livestock and poultry (but not including prepared food for dogs or cats).

"(e) The gross proceeds of sales of all livestock by whomsoever sold; and also the gross proceeds of poultry and other products of the farm, dairy, grove or garden, when in the original state of production or condition of preparation for sale, when such sale or sales are made by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the gross proceeds of sales of poultry or poultry products when not products of the farm.

"(f) Cottonseed meal exchanged for cottonseed at or by cotton gins.

"(f-1) The gross receipts from the business on which, or for engaging in which a license or privilege tax is levied by or under the provisions of Sections 177-180, 182-184, and 186 of Title 51, Code of Alabama 1940. Provided, however, that nothing contained in this subsection shall be construed to exempt or relieve

the person or persons operating the business enumerated in said Sections from the payments of the tax levied by this bill upon or measured by the gross proceeds of sales of any tangible personal property (except gas and water, the gross receipts from the sale of which are the measure of the tax levied by said Section 177) merchandise or other tangible commodities sold at retail by said persons, unless the gross proceeds of sale thereof are otherwise specifically exempted by the provisions of this bill.

“(f-2) The gross proceeds of sales or gross receipts, of or by, any person, firm or corporation, from the sale of transportation, gas, water or electricity, or the kinds and natures, the rates and charges for which, when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama or like regulatory bodies.

“(g) The gross proceeds of the sale, or sales of coal or coke to manufacturers, electric power companies and transportation companies for use or consumption in the production of by-products, or the generation of heat or power used in manufacturing tangible personal property for sale, for the generation of electric power or energy for use in manufacturing tangible personal property for sale or for re-sale, or for the generation of motive power for transportation.

“(h) The gross proceeds from the sale or sales of fuel and supplies for use or consumption aboard ships plying the high seas either in inter-coastal trade between ports in the State of Alabama and ports in other states of the United States or its possessions or in foreign commerce between ports in the State of Alabama and ports in foreign countries. Provided, however, that nothing in this Act shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and other water craft.

“(i) The gross proceeds of sales of tangible personal property to the State of Alabama, to the counties within the State, and to incorporated municipalities of the State of Alabama.

“(j) The gross proceeds of the sale or sales of railroad cars, and vessels and barges of more than fifty tons burden, when sold by the manufacturers or builders thereof.

“(k) The gross proceeds of the sale or sales of materials, equipment, and machinery which enter into and become a component part of ships, vessels or barges of more than fifty tons burden, constructed or built within the state.

“(l) The gross proceeds of the sale or sales of fuel oil purchased as fuel for kiln use in manufacturing establishments.

"(m) The gross proceeds of the sale or sales of tangible personal property to county and city school boards and independent school boards as defined by Senate Bill No. 20 of the 1959 Second Special Session of the Legislature of Alabama and all educational institutions and agencies of the State of Alabama, the counties within the State, or any incorporated municipality of the State of Alabama.

"(n) The gross proceeds of sales or sales of tangible personal property to private schools.

"(o) The gross proceeds of sales or sales of lunches to school children, when said sales are made within school buildings, and are not for profit."

Approved November 6, 1959.

Time: 5:48 P. M.

Act No. 372

S. J. R. 37—Hines, Jones, Andrews, Samford

SENATE JOINT RESOLUTION

WHEREAS certain errors were inadvertently made in the biographical sketch pertaining to Judge Will Walton as set out in Senate Joint Resolution No. 29, adopted October 9, 1959, and in order that these errors may be corrected so that a proper minute may be spread upon the journal of each House as provided in said SJR 29; be it

RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That said SJR 29 be and the same hereby is amended to read as follows:

SENATE JOINT RESOLUTION NO. 29

By

Messrs. Hines, Jones, Andrews and Samford

WHEREAS the two Houses of the Legislature of Alabama have heard with deep regret and profound sorrow of the death of Honorable William Ora Walton, well-beloved judge of the Fifth Judicial Circuit of Alabama, and a former Senator (1935-1939; 1943-1947) and Representative (1923-1927) from Chambers County; and

WHEREAS the two Houses, as a mark of respect for this peerless gentleman, able and devoted public servant, prodigious wit, and matchless raconteur, do now RESOLVE that the following minute be spread upon the records of each House, on a separate page of the journal:

Judge William Ora Walton died in LaFayette, Chambers County, October 1, 1959. He was born at Waverly, Alabama,

December 6, 1892, attended Waverly public schools and Birmingham College Training School, was graduated from Birmingham-Southern College and Cumberland University, and studied criminal law at Law Society Hall, London. He married Lynda Ruth Tatum, of Chambers County, Alabama, the mother of his two fine sons, William Ora Walton, Jr. and James Richard Walton. Judge Walton was a brave and distinguished soldier during World War I. Admitted to the Alabama Bar in 1922, he was an outstanding lawyer, a statesman, scholar, and patriot. His years were filled with useful deeds of kindness, of courage and fidelity to his State and to his fellowmen. His passing is deeply mourned.

RESOLVED FURTHER, That the Secretary of the Senate be directed to transmit a copy of these resolutions to the family of the deceased.

Approved November 6, 1959.
Time: 5:35 P. M.

Act No. 373

S. J. R. 38—Dumas

SENATE JOINT RESOLUTION

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members are deeply indebted to Hon. Tom Johnson, of Tallapoosa, and his genial brother, Harold, for the princely entertainment provided at their farm in Tallapoosa County on Wednesday, October 28. We extend our cordial thanks to these friendly and hospitable gentlemen, and express our great pleasure for a delightful diversion and recreation.

Approved November 6, 1959.
Time: 6:00 P. M.

Act No. 374

H. 102—Gilchrist, Bounds, Copeland, Bishop, Bailey, Brewer, Oakley, Branyon, Pierce, Adams (Houston), Hearn, Roberts, Turner, Harvey, Reynolds (Madison), Ashworth, Jones (Covington), Smith (Russell), Jones (Monroe), Johnson (Elmore), Grouby, Gross, Faulk, Franklin, Barnett, Cornett, Casey, Owens, Rogers, Long (Perry), Speaks, Sullivan, Dodd, Ferguson, Torbert, Self, Brannan, Salter, Perry, Meade

AN ACT

Relating to the small loan business; providing for the regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of lending money in amounts of three hundred dollars or less, and for the suspension and revocation of such licenses; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act; and prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Declaration of Legislative Intent. The Legislature finds as facts and determines that:

1. There exists among citizens of this state a widespread demand for small loans. The scope and intensity of this demand have been increased progressively by many social and economic forces.

2. The expense of making and collecting small loans, which are usually made on comparatively unsubstantial security to wage earners, salaried employees and other persons of relatively low incomes is necessarily high in relation to the amounts lent.

3. Such loans cannot be made profitably under the limitations imposed by existing laws relating to interest and usury. These limitations have tended to exclude lawful enterprises from the small loan field. Since the demand for small loans cannot be legislated out of existence, many small borrowers have been left to the mercy of those willing to bear the opprobrium and risk the penalties of usury for a large profit.

4. Interest charges are often disguised by the use of subterfuges to evade the usury law. These subterfuges are so complicated and technical that the usual borrower of small sums is defenseless even if he is aware of the usurious nature of the transaction and of his legal rights.

5. As a result, borrowers of small sums are being exploited, to the injury of the borrower, his dependents, and the general public. Charges are generally exorbitant in relation to those necessary to the conduct of a legitimate small loan business; trickery and fraud are common; and oppressive collection practices are prevalent.

6. These evils characterize and distinguish loans of three hundred dollars (\$300) or less. Legislation to control this class of loans is necessary to protect the public welfare.

7. It is the intent of the legislature in enacting this law to bring under public supervision those engaged in the business of making such loans, to eliminate practices that facilitate abuse of borrowers, to establish a system of regulation for the purpose of insuring honest and efficient small loan service and of stimu-

lating competitive reductions in charges, to allow lenders who meet the conditions of this Act a rate of charge sufficiently high to permit a business profit, and to provide the administrative machinery necessary for effective enforcement.

Section 2. Definitions. The following words and terms when used in this Act shall have the following meanings unless the context clearly requires a different meaning. The meaning ascribed to the singular form shall apply also to the plural.

"Person" shall include individuals, co-partnerships, associations, trusts, corporations, and any other legal entities.

"License" shall mean a license, issued under the authority of this Act, to make loans in accordance with the provisions of this Act at a single place of business.

"Licensee" shall mean a person to whom one or more licenses have been issued.

"Supervisor" shall mean the Supervisor of the Bureau of Loans of the State Banking Department.

"Bureau" shall mean the Bureau of Loans of the State Banking Department.

"Cash Advance" means the amount of cash or its equivalent that the borrower actually receives or is paid at his direction or on his behalf.

Section 3. Scope (a) No person shall engage in the business of lending in amounts of three hundred dollars (\$300) or less and contract for, exact, or receive, directly or indirectly, on or in connection with any such loan, any charges whether for interest, insurance, compensation, consideration, or expense, which in the aggregate are greater than the interest that the lender would be permitted by law to charge for a loan of money if he were not a licensee under this Act, except as provided in and authorized by this Act and without first having obtained a license from the supervisor. For the purpose of this section a loan shall be deemed to be in the amount of three hundred dollars (\$300) or less if the net amount or value advance to or on behalf of the borrower, after deducting all payments for interest, expenses, and charges of any nature taken substantially contemporaneously with the making of the loan, does not exceed three hundred dollars (\$300).

(b) Exemptions. This Act shall not apply to any person doing business under the authority of, and as permitted by, any law of this State or of the United States relating to Banks, Savings Banks, Trust Companies, Savings or Building and Loan Associations, Credit Unions as defined by law nor to any lawful, bona fide pawnbroking business nor shall this Act apply to any person making loans to their tenants engaged in agriculture, nor

to loans by agricultural suppliers to persons whose principal business is farming, nor shall it apply to agricultural credit corporations or associations organized under an Act of the Congress of the United States, nor shall it apply to the business of financing the purchase of motor vehicles, refrigerators or other personal property, nor shall this apply to loans insured or guaranteed by the United States or any of its Agencies.

(c) Evasions. The provisions of subsection (a) of this section shall apply to any person who seeks to evade its application by any device, subterfuge, or pretense whatsoever including, but not thereby limiting the generality of the foregoing: the loan, forbearance, use, or sale of credit (as guarantor, surety, endorser, co-maker, or otherwise), money, insurance, goods, or things in action; the use of collateral or related sales or purchases of goods or services, or agreements to sell or purchase, whether real or pretended; receiving or charging compensation for goods or services, whether or not sold, delivered, or provided and the real or pretended negotiation, arrangement, or procurement of a loan through any use of activity of a third person, whether real or fictitious.

(d) Penalty. Whoever violates or participates in the violation of any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500) nor less than one hundred dollars (\$100), or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court. Any contract of loan in the making or collection of which any act shall have been done which violates this section shall be void and the lender shall have no right to collect, receive, or retain any principal, interest, or charges whatsoever.

Section 4. Application and Fee. Application for a license shall be in writing, under oath, and in the form prescribed by the supervisor. The application shall give the approximate location where the business is to be conducted and shall contain such further relevant information as the supervisor may require, including the names and addresses of the partners, officers, directors, or trustees, and of such of the principal owners or members as will provide the basis for the investigations and findings contemplated by Section 5 of this Act. Provided, however, that such application shall contain a statement made by the applicant under oath that he is not at the time of making the application a member of the National Association for the Advancement of Colored People or of the Communist party or any front thereof and that he has not prior to making said application contributed funds to any such organization and that he has never been a member of any such organization. At the time of making such application, the applicant shall pay to the supervisor the sum of one hundred dollars (\$100) as a fee for investigating the

application. All licensees under this Act shall pay an annual license of two hundred dollars (\$200) which shall be due on October 1 of each year and shall be for one year ending September 30 following, and shall be delinquent on the first day of November of each year. And there shall be a penalty of ten percent (10%) added to such license upon delinquency and collected by the bureau. If any applicant licensed under this Act for the first time shall commence business after the first day of April in any year, the amount of the license shall be one-half of the amount of a full year's license. The amount of the license (and penalties if any) shall be paid to the supervisor of the bureau of loans, who shall remit the same to the treasurer of the State of Alabama, as provided by law. The license herein provided for shall be in addition to all other licenses now or hereafter provided for by law, and shall be in addition to the tax provided for by Chapter 18, Title 51, Code of Alabama (1940) as amended; and the amount of the license levied by this section shall not be credited upon or deducted from, in whole or in part, the tax levied by said Chapter 18, as amended, as to the current state tax year or as to any prior or subsequent state tax year. No refunds for the current or any prior or subsequent state tax year or any portion of the tax levied by said Chapter 18, as amended, shall be made on the ground that the license levied by this section was not credited upon or deducted from the tax levied by said Chapter 18, as amended; and no suit or action shall lie to enforce any claim for such refund.

Section 5. (a) Investigation of Application. Upon the filing of such application and the payment of such fees, the supervisor shall investigate the facts concerning the application and the requirements provided for in subsection (b) of this section. The supervisor shall grant or deny such application for a license within ninety days from the filing thereof with the required information and fees unless the period is extended by written agreement between the applicant and the supervisor.

(b) Issuance of License. If the supervisor shall find that the liquid assets, financial responsibility, experience, character, the general fitness of the applicant are such as to warrant the belief that the business will be operated lawfully, honestly, fairly, and efficiently, within the purposes of this Act, and that allowing such applicant to engage in the business would promote the convenience and advantage of the community in which the business of the applicant is to be conducted, he shall thereupon enter an order granting such application, and file his findings with the bureau, and forthwith issue and deliver a license to the applicant.

(c) Denial of License. If the supervisor shall not so find, he shall notify the applicant in writing who may request a hearing on the application. The request for a hearing must be within thirty (30) days of the rejection with the hearing to be held

within thirty (30) days of the date of the request. After such hearing, or, if no hearing is demanded, the supervisor may deny such application by written order, accompanied by his findings of fact, and shall deliver a copy of such order and findings to the applicant. The investigation fee shall be retained by the supervisor while the license fee shall be returned to the applicant.

Section 6. (a) Posting of License. Each license shall state the address at which the business is to be conducted and shall state fully the name of the licensee, and if the licensee is a co-partnership or association, the names of the members thereof, and if a corporation, the date and place of its incorporation. Each license shall be kept conspicuously posted in the licensed place of business and shall not be transferable or assignable.

(b) Continuing License. Each license shall remain in full force and effect until surrendered, revoked, or suspended as hereinafter provided.

Section 7. (a) Place of Business. Not more than one place of business shall be maintained under the same license, but the supervisor may issue additional licenses to the same licensee upon his compliance with all the provisions of this Act governing the issuance of the first or original license.

(b) Removal. No change in the place of business of a licensee to a location outside of the original municipality shall be permitted under the same license. When a licensee wishes to change his place of business within the same municipality, he shall give written notice thereof to the supervisor who shall investigate the facts, and if he shall find the proposed location is reasonably accessible to borrowers under existing loan contracts, he shall enter an order permitting the change and shall amend the license accordingly. If the supervisor shall not so find he shall enter an order denying the licensee such permission in the manner specified in and subject to the provisions of Section 5 (c) of this Act.

(c) Residence of Borrower. Nothing in this Act shall be construed to restrict the loans of any licensee to residents of the community in which the licensed place of business is situated.

Section 8. (a) Revocation of License. The supervisor shall, upon ten days' written notice to the licensee stating the contemplated action and in general the grounds therefor, and upon reasonable opportunity to be heard, revoke any license issued hereunder if he finds that:

1. The licensee has failed to pay the annual license fee; or that
2. The licensee, either knowingly or without the exercise of due care to prevent the same, has violated any provisions of this Act or any regulation or order lawfully made pursuant to and within the authority of this Act; or that

3. Any fact or condition exists which, if it had existed or had been known to exist at the time of the original application for such license, clearly would have justified the supervisor in refusing originally to issue such license, except the license shall not be revoked because of convenience and advantage; or that

4. The licensee is found guilty by the supervisor of using unreasonable collection tactics.

(b) Suspension of License. If the supervisor finds that probable cause for revocation of any license exists and that enforcement of the Act requires immediate suspension of such license pending investigation, he may, upon three days' written notice and a hearing, enter an order suspending such license for a period not exceeding thirty days.

(c) Records and Notice. Whenever the supervisor shall revoke or suspend a license issued pursuant to this Act, he shall enter an order to that effect and forthwith notify the licensee of the revocation or suspension. Within five days after the entry of such an order he shall file with the bureau his findings and a summary of the evidence supporting them, and he shall forthwith deliver a copy thereof to the licensee.

(d) Surrender of License. Any licensee may surrender any license by delivering it to the supervisor with written notice of its surrender, but such surrender shall not affect his civil or criminal liability for acts committed prior thereto.

(e) Pre-Existing Contracts. No revocation, suspension or surrender of any license shall impair or affect the obligation of any pre-existing contract between the licensee and any borrower.

(f) Reinstatement of License. The supervisor may reinstate suspended licenses or issue new licenses to a person whose license or licenses have been revoked if no fact or condition then exists which clearly would have justified the supervisor in refusing originally to issue such license under this Act.

(g) Complaints of Violation Investigated. The supervisor shall, upon sworn complaint of any borrower, investigate or cause to be investigated any alleged violation of this Act.

Section 9. (a) Annual Examinations of Licensees. At least once each year and at such other time as may be deemed necessary by the supervisor of the bureau of loans an examination shall be made of the place of business of each licensee and of the loans, transactions, books, papers and records of such licensee so far as they pertain to the business licensed under this Act. As cost of examination the licensee shall pay to the bureau of loans under such rules and regulations as may be reasonably prescribed by the supervisor thereof with the approval of the superintendent of banks an examining fee of fifty dollars (\$50) per day or any part thereof for each examiner and in addition thereto ten dol-

lars (\$10) per day per examiner as per diem; provided, however, that no licensee whose business is free from willful violations of this Act shall be required to pay more than a total sum of four hundred dollars (\$400) in any twelve (12) month period as examiners fees; provided, further, that all fees collected by the bureau of loans under the terms of this section shall be paid into a special fund to be set up by the State Treasury; the special fund shall be used to pay the salaries of the officials and employees and the expenses of the bureau of loans, and all moneys deposited therein are hereby appropriated for that purpose; provided, however, nothing herein shall be construed to mean that all salaries of the officials and employees and expenses of operating the bureau of loans shall come from the special fund.

(b) Investigations. For the purpose of discovering violations of this Act or of securing information lawfully required hereunder, the supervisor or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers, and records used therein, of (1) any licensee, (2) any other person engaged in the business described in Section 3 (a) of this Act or participating in such business as principal, agent, broker, or otherwise, and (3) any person who the supervisor had reasonable cause to believe is violating or is about to violate any provision of this Act, whether or not such person shall claim to be within the authority or beyond the scope of this Act. For purposes of this section, any person who shall advertise for, solicit, or hold himself out as willing to make loan transactions in the amount or of the value of three hundred dollars (\$300) or less shall be presumed to be engaged in the business described in Section 3 (a) of this Act.

(c) Access to Records: Witnesses. For the purposes of this section, the supervisor or his duly authorized representatives shall have and be given free access to the offices and places of business, files, safes, and vaults of all such persons, and shall have authority to require the attendance of any person and to examine him under oath relative to such loans or such business or to the subject matter of any examination, investigation, or hearing.

(d) Cease and Desist Orders: Injunctions; Receivers. Whenever the supervisor has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this Act, he may in addition to all actions provided for in this Act, and in addition to all other remedies that he may have at law or in equity, and without prejudice thereto enter an order requiring such person to desist or to refrain from such violation; and an action may be brought on the relation of the Attorney General or the supervisor to enjoin such person from engaging in or continuing such violation or from doing any act or acts in furtherance thereof. In any such action, an order or judgment may be entered awarding such preliminary or final

injunction as may be deemed proper. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which such action is brought shall have power and jurisdiction to impound, and to appoint a receiver for the property and business of the defendant, including books, papers, documents, and records pertaining thereto or so much thereof as the court may deem reasonably necessary to prevent violations of this Act through or by means of the use of said property and business. Such receiver, when appointed and qualified, shall have such powers and duties as to custody, collection, administration, winding up, and liquidation of such property and business as shall from time to time be conferred upon him by the court.

Section 10. (a) Books and Records. Each licensee shall keep and use in his business such books, accounts, and records as will enable the supervisor to determine whether such licensee is complying with the provisions of this Act and with the orders and regulations lawfully made by the supervisor hereunder. Each licensee shall preserve such books, accounts, and records for at least two years after making the final entry on any loan recorded therein.

(b) Annual Reports. (1) Each licensee shall annually, on or before the first day of May, file a report with the supervisor as to each licensed place of business under this Act, covering the preceding calendar year. This report shall include the following information, all reported in accordance with sound and generally accepted accounting practice;

- (a) Balance sheets at the beginning and end of the period.
- (b) A statement of income and expense for the period.
- (c) A reconciliation of surplus or net earning with the balance sheets.
- (d) A schedule of assets used and useful in the business.
- (e) An analysis of charges, sizes of loans and types of security on loans and an analysis of delinquent accounts.
- (f) An analysis of suits, reposessions and sales of chattels.
- (g) The type of business organization and if the licensee is a corporation, the principal officers and the resident agent, the partners, if the licensee is a partnership or, the owner, if a sole proprietorship.

(2) If the licensee conducts other business or is affiliated with other licensees under this Act, or, if any other situation exists under which allocations are necessary, the licensee shall make such allocation according to appropriate and reasonable methods.

(3) If the licensee is affiliated with other licensees under this Act, a composite report may be filed on behalf of all affiliated licensees within the State of Alabama, but such composite report shall not be required by the supervisor.

(4) Such report shall be made under oath and shall be in the form prescribed by the supervisor who shall make and publish annually an analysis and recapitulation of such reports.

Section 11. (a) Rules, Regulations and Orders. The supervisor shall have authority to make reasonable rules, regulations and orders for the administration and enforcement of this Act, in addition hereto and not inconsistent herewith. Such regulation or order shall be referenced to the section or sections of the Act which set forth the legislative standard which it interprets or to which it applies. Every regulation shall be promulgated by an order, and any ruling, demand, requirement, or similar administrative act may be promulgated by an order. Every order shall be in writing, shall state its effective date and the date of its promulgation, and shall be entered in an indexed permanent book which shall be a public record. A copy of every order promulgating a regulation and of every other order containing a requirement of general application shall be mailed to each licensee at least ten days before the effective date thereof. The failure of a licensee to receive a copy of the regulations shall not exempt him from the duty of compliance with the valid regulations lawfully issued.

(b) Certified Copies of Official Documents. On application of any person and payment of the costs thereof, the supervisor shall furnish, under his seal and signed by him or his deputy, a certified copy of any license, regulation, or order. In any court or proceeding such copy shall be prima facie evidence of the fact of the issuance of such license, regulation or order.

Section 12. (a) Advertising. No licensee or other person subject to this Act shall advertise, display, distribute, or broadcast or cause to permit to be advertised, displayed, distributed, or broadcast, in any manner whatsoever, any false, misleading, or deceptive statement or representation with regard to the rates, terms, or conditions for loans in the amount or of the value of three hundred dollars (\$300) or less. The supervisor may require that charges or rates of charge, if stated by a licensee, be stated fully and clearly in such manner as he may deem necessary to prevent misunderstanding thereof by prospective borrowers. The supervisor may permit or require licensees to refer in their advertising to the fact that their business is under state supervision, subject to conditions imposed by him to prevent an erroneous impression as to the scope or degree of protections provided by this Act.

(b) **Schedule of Charges.** Each licensee shall prominently display in each licensed place of business a full and accurate schedule of the rates of charge upon all classes of loans currently to be made by him.

Section 13. (a) Other Business in Same Office. No licensee shall conduct the business of making loans under this Act within any office, suite, room or place of business in which any other business is solicited or engaged in or in association or conjunction with any other business until three days' written notice of an intention so to do has been given the supervisor. Upon receipt of written notification, the supervisor may investigate the facts and, if he finds that the character of the licensee and the nature of the other business warrant belief that such conduct of business would conceal violation or evasion of this Act or of regulations lawfully made hereunder, he shall enter an order directing the licensee to discontinue said other business. The order shall be entered in the manner specified in and subject to the provisions of Section 5 (c) of this Act.

(b) **Business Confined to Licensed Office.** No licensee shall conduct the business of making loans provided for by this Act under any name, or at any place of business within this state, other than that stated in the license. Nothing herein shall prevent the making of loans by mail nor prohibit accommodations to individual borrowers when necessitated by sickness or other emergency situations.

(c) **Liens on Real Estate.** No licensee shall take a lien upon real estate as security for any loan made under this Act, except such lien as is created by law through the rendition or recording of a judgment.

Section 14. (1) Maximum Rates of Interest and Charge. Every licensee hereunder may contract for and receive interest on any loan of money not exceeding three hundred dollars (\$300) an amount at a rate not exceeding 3% a month on that part of the unpaid principal balance not in excess of two hundred dollars (\$200), two per cent a month on that part of the unpaid principal balance in excess of two hundred dollars (\$200) but not exceeding three hundred dollars (\$300).

(2) **Charges on Loans of Seventy-five Dollars (\$75) or Less.** On a cash advance of seventy-five dollars (\$75) or less a licensee may charge, in lieu of charges specified in subsection (1) of this section, not in excess of one dollar (\$1) for each five dollars (\$5) of cash advanced to the borrower, up to the amount of seventy-five dollars (\$75); and a period of at least fifteen (15) days must be allowed for the repayment of each five dollars (\$5) of the cash advanced, such charges cannot be assessed by any subterfuge or device on any loan over seventy-five dollars (\$75) or on any

balance of seventy-five dollars (\$75) or less when the original cash advanced was greater than seventy-five dollars (\$75).

(3) (a) Method of Computing Charges. Interest or charges on loans made under this Act shall not be paid, deducted, discounted or received in advance or compounded but the rate of charge authorized by this Section may be precomputed as provided in Paragraph B of this sub-section. For the purpose of this Section one month shall be that period of time from any date in a month to a corresponding date in the next month and if there is not such corresponding date then to the next day of the next month and a day shall be considered 1/30 of a month when computation is made for a fraction of a month.

(b) When the loan contract requires repayment in substantially equal and consecutive monthly installments of principal and charges or interest combined, the charges or interest may be precomputed at the agreed monthly or periodic rate not in excess of that provided for in sub-section 1 or 2 of this Section on scheduled unpaid principal balances according to the terms of the contract and added to the principal of the loan. Every payment may be applied to the combined total of principal and pre-computed charge until the contract is fully paid. The acceptance or payment of charges on loans made under the provisions of this sub-section shall not be deemed to constitute payment, deduction or receipt thereof in advance nor compounding under Paragraph 1 above.

(4) (a) Refund. When any loan contract is paid in full by cash, a new loan, renewal or otherwise, one month or more before the final installment date, the licensee shall refund or credit the borrower with that portion of the total charges which shall be due the borrower as determined by schedules prepared under the rule of 78ths or sum of the digits principle as follows: The amount of the refund or credit shall be as great a proportion of the total charges originally contracted for as the sum of the periodic time balances of the contract scheduled to follow the date of pre-payment bears to the sum of all the periodic time balances of the contract, both sums to be determined according to the payment schedule originally contracted for.

(B) If the loan contract is not prepaid in full but becomes partially prepaid in an amount equal to three or more installments, the licensee shall reduce the balance due by the amount that would be required to be refunded for prepayment in full on the date of such partial prepayment and compute charges as payments are made thereafter in the manner prescribed in Paragraph 1 of sub-section 3 hereof or the licensee may with the consent of the borrower reschedule the remaining installments and pre-compute charges as prescribed in Paragraph 2 of sub-section 3 hereof.

(5) **Default or Extension Charges.** If the contract so provides, the additional charge for any installment past due fifteen (15) or more days, whether by reason of default or extension agreement, may be three per cent (3%) of the installment past due and said amount may be charged once and no more. It is the intent of this sub-section that if the payment date of all wholly unpaid installments is deferred or extended one or more full months and the contract so provides the licensee may charge and collect a deferment or default charge only on the installment which is delinquent at the date the contract is extended or deferred.

(6) In addition to the general authority granted to him by Section 11 (a) of this Act, the Supervisor shall have power and authority to make such rules and regulations as he may deem necessary or advisable to insure that rebates, default charges and deferment charges are so computed, paid to, or collected from borrowers that the total charges collected by licensees under Paragraph B of sub-section (3) hereof are substantially equivalent to charges authorized to be collected by licensees under paragraph (1) or (2) of this subsection.

(7) **Recording Fees.** The licensee may collect from the borrower the actual fees paid a public official, or agency of the State, for filing, recording or releasing any instrument securing the loan.

(8) **No Further Charge, No Splitting Contracts, Certain Contracts Void.** No further or other charges shall be directly or indirectly contracted for or received by any licensee, including insurance premiums of any kind, except those specifically authorized by this Act. No licensee shall divide into separate parts any contract made for the purpose of or with the effect of obtaining charges in excess of those authorized by this Act. All balances due to a licensee from any person, as a borrower, or as an endorser, guarantor or surety for any borrower or otherwise, or due from any husband or wife, jointly or severally, shall be considered a part of any loan being made by a licensee to such person for the purpose of computing charges. If any amount in excess of the charges permitted by this Act is charged, contracted for, or received, except as the result of an accidental and bona fide error of computation, the contract of loan shall be void and the licensee shall have no right to collect or receive any cash advanced, charges or recompense whatsoever; and the licensee and the several members, officers, directors, agents and employees thereof who shall have participated in such violation, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500) and not less than one hundred dollars (\$100) or by imprisonment of not more than six months, or by both such fine and imprisonment, in the discretion of the

court. Any borrower may recover the full amount of principal and charges paid by him on any contract made in violation of this section, together with a reasonable attorney fee, by action at law or in equity brought within twelve months from the date of the last payment of principal or charges on such contract.

(9) **Installment Payment, Contract Period.** No licensee shall enter into any contract of loan under this Act in which the borrower agrees to make any scheduled repayment of the cash advance more than twenty-five (25) calendar months from the date of making such contract of loan. Every loan contract shall require payment of the cash advance and charges in installments which shall be payable at approximately equal periodic intervals except that payment dates may be omitted to accommodate borrowers with seasonal incomes. No installment contracted for shall be substantially larger than any preceding installment.

(10) **Interest as provided in this Act shall not accrue or be recovered or charged on any loan made under this Act for any longer than six months after the due date of the final installment of principal or interest.** After the expiration of said six months period interest may be charged at a rate not to exceed eight per cent per annum.

(11) No licensee shall induce or permit any person, or any husband and wife jointly or severally, to become obligated directly or contingently, or both, under more than one contract of loan at the same time, for the purpose of obtaining a higher rate of charge than would otherwise be permitted by this section. And it shall be unlawful for any licensee to evade, or attempt to evade this section by inducing a customer to borrow from another loan company in which he has a pecuniary interest or with whom he has an arrangement for exchange of customers.

Section 15. (a) Requirements for Making and Payment of Loans. Every licensee shall:

1. At the time a loan is made deliver to the borrower or if there be two or more borrowers, to one of them a copy of the loan contract, or a written statement in the English language showing in clear and distinct terms:

(i) The name and address of the lender and one of the primary obligors on the loan;

(ii) The date of the loan contract;

(iii) Schedule of installments or description thereof;

(iv) The cash advance;

(v) The face amount of the note evidencing the loan;

(vi) The amount collected or paid for insurance, if any;

(vii) The amount collected or paid for filing or other fees allowed by this Act;

(viii) The collateral or security for the loan.

2. Give to the person making any cash payment on account of any loan a receipt at the time such payment is made which receipt need only show the total amount of such cash payment. No receipt shall be required in the case of payments made by the borrower's check or money order, and the use of a coupon book system shall be deemed in compliance with this section.

3. Permit the payment to be made in advance in any amount on any contract of loan at any time during a licensee's regular business hours.

4. Upon repayment of the loan in full, mark plainly every obligation and security signed by any obligor with the word "Paid" or "Cancelled," and release any mortgage, restore any pledge, and cancel and return any note and any assignment given to the licensee.

(b) Confessions of Judgment; Incomplete Instruments. No licensee shall (1) take any confession of judgment or any power of attorney running to himself or to any third person to confess judgment or to appear for the borrower in a judicial proceedings; nor (a) take any note, promise to pay that does not disclose the total amount to be repaid, a schedule of payments or a description thereof, and the agreed rate or aggregate amount of charge, nor any instrument in which blanks are left to be filled in after execution.

5. Every loan contract shall provide for repayment of principal and charges at approximate equal periodic intervals of time of which shall be so arranged that no installment is substantially greater in amount than any preceding installment.

6. Any contract of loan in the making or collection of which any provision of this section shall have been violated, either knowingly or without the exercise of due care to prevent the same shall be void and the licensee shall have no right to collect, receive or retain any principal, charges or recompense whatsoever.

Section 16. Additional Security for Loans.

(1) On loans in amounts of one hundred dollars (\$100) or more, a licensee may accept as additional security for a loan, insurance written on the life of one of the principal obligors under the loan contract. Such insurance must be reasonably related to the hazard or risk of the loan and must not exceed the term of the loan or the approximate amount of the indebtedness at any time during the life thereof.

(2) The premium, or identifiable charge, collected by licensee or its officers, agents or employees on life insurance shall not exceed the lowest premium or identifiable charge for such insurance as filed with and approved by the insurance commissioner of the State of Alabama by a company licensed to do business in the State of Alabama and writing such insurance; provided, however, that in no event shall the premium or identifiable charge exceed 75c per annum for each \$100 of life insurance.

(3) Every insurance policy or certificate written in connection with the loan transaction shall provide for cancellation of the coverage and a refund of the unearned premium or identifiable charge upon the discharge of the loan obligation for which such insurance is security, without prejudice to any claim. Such refund shall be made under a formula filed by the insurer with the department of insurance except no refund of less than \$1.00 need be made.

(4) In accepting such insurance as security for the loan, the licensee, or an employee, may deduct the premiums or identifiable charge for such insurance from the proceeds of the loan and transmit them to the insurance company.

(5) Any gain or advantage in the form of commission or otherwise, to the licensee or to any employee, affiliate or associate of the licensee from such insurance or its sale shall not be considered an additional or further charge in connection with the loan.

(6) All such insurance shall be written by a company authorized to conduct business in this state and the licensee shall not require the purchase of such insurance from any agent or broker designated by the licensee, nor shall the licensee decline existing coverages which equal or exceed the standards of this section; provided further, that all other types of insurance are hereby specifically prohibited.

Section 16½. Loans of More Than Three Hundred Dollars (\$300). If a licensee makes a loan in excess of three hundred dollars (\$300), the charges authorized by this Act shall not apply to any part of the loan. The rates on the entire amount of the loan shall be governed by Section 60 or 61 of Title 9, Code of Alabama, 1940, as amended. The foregoing prohibition shall also apply to any licensee who permits any person, as borrower, or as endorser, guarantor, or surety for any borrower, or otherwise or any husband and wife jointly or severally, to owe directly or contingently, or both, to the licensee at any time a sum of more than three hundred dollars (\$300) for principal. The supervisor may suspend or revoke the license of any licensee who violates this section, in the manner prescribed by Section 8 of this Act, and the penalties provided for in Section 23 (c)

of this Act shall apply to any person, firm or corporation violating this section.

Section 17. Loans Made Elsewhere. Any loans made outside this state in accordance with the law applicable to such loan in the state in which the loan was made may be collected in this state.

Section 18. Review. In addition to any other remedy he may have, any licensee and any person considering himself aggrieved by any act or order of the supervisor hereunder may, within thirty days from the entry of the order complained of, or within sixty days of the act complained of if there is no order, petition the circuit court of Montgomery County to review such act or order; provided such petition shall be docketed, heard and tried in the same manner as other extraordinary writs issued by the court and a copy of the petition and order setting the same for hearing shall be served on the supervisor, giving him such notice of the time and place of the hearing as may be directed by the court.

Section 19. Suits on Debts. In any suit filed on any debt or evidence of any indebtedness governed hereby in any court, the judge thereof shall not render any judgment by default, nil dicit or otherwise until he has heard the testimony of the licensee or of a representative of such licensee, and the judge must on his own motion interrogate such licensee or such other witness to determine whether there has been any violation of the provisions of this Act and whether any charges have been contracted for, made or received in excess of the amount allowed under this Act. If it be made to appear that the provisions of this Act have been violated or that charges in excess of those allowed have been contracted for, made or received, then the suit shall be dismissed at the cost of the plaintiff. In any such suit the plaintiff must allege that he is a licensee under this Act, and if such plaintiff is subject to this Act and fails to allege in his complaint that he is a licensee hereunder, or if it is shown to the court that he is subject to this Act and is not a licensee then the court ex mero motu shall dismiss the suit at the cost of the plaintiff. No garnishment shall issue in such suit or in connection therewith until after judgment has been rendered.

Section 20. Pre-Existing Contracts. This Act or any part thereof may be modified, amended, or repealed so as to effect a cancellation or alteration of any license or right of a licensee hereunder, provided that such cancellation or alteration shall not impair or affect the obligation of any pre-existing lawful contract between any licensee and any borrower.

Section 21. Status of Pre-Existing Licensees. Any person having a license under Act No. 159, H. 233, approved June 23, 1945, (General Acts of Alabama, 1945, page 200), as amended,

in force when this Act becomes effective, or had such a license in effect on September 30, 1959, shall be deemed to have a license under this Act for a period expiring six months after the effective date hereof, if not sooner revoked. Any such license so continued in effect under the provisions of this Act shall be subject to revocation during such six months' period as provided in Section 8 of this Act; except that such license may not be revoked nor shall an application for a new license be denied upon the ground that the convenience and advantage of such community will not be promoted by the operation therein of such business.

Section 22. Records (a) The supervisor shall cause to be kept on file in the bureau of loans, open to public inspection during business hours, an alphabetical listing of all licensees doing business in Alabama; and such list shall reveal the true ownership of the licensee companies. If the company is a corporation, the list shall indicate the name of the corporation, the address of the home office, and the names and addresses of its officers and directors.

(b) Except as provided in subsection (a) of this section, all applications, reports, and other papers and documents submitted by licensees to the supervisor or to the bureau shall be open to public inspection only upon approval of the supervisor; but the supervisor shall not deny any person access to such records when the disclosure thereof to such person is in the public interest.

Section 23. (a) Repealer. The provisions of Act No. 159, H. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), as amended, in conflict herewith are hereby repealed. And all other laws or parts of laws which conflict with this Act are also repealed. But such repeal shall not be considered an abolition of the bureau of loans, whose existence is hereby continued as a state agency, for the purpose of administering and enforcing this Act.

(b) **Status of Pre-Existing Obligations.** Nothing herein contained shall be so construed as to impair or affect the obligation of any contract of loan between any licensee under Act No. 159, H. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), as amended, and any borrower which was entered into prior to the effective date of this Act.

(c) Any person, firm, corporation or association who shall wilfully violate any of the provisions of this Act for which a specific penalty is not herein specifically provided shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500), nor less than one hundred dollars (\$100), or by imprisonment for not

more than six months, or by both such fine and imprisonment, in the discretion of the court.

Section 24. If a part of this Act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of the Act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 25. Citation of Act. This Act shall be known and may be cited as the "Alabama Small Loan Act."

Section 26. Effective Date. This Act shall become effective 60 days after its passage and approval by the Governor, or 60 days after its otherwise becoming a law.

Approved November 6, 1959.

Time: 5:15 P. M.

Act No. 375

H. 475—Goodwyn, Pierce, Smith (Russell)

AN ACT

To amend Section 1 of Act 515 approved July 9, 1945, as amended, which relates to the Employees' Retirement System of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act 515, H. 93, approved July 9, 1945 (General Acts 1945 p. 734) as amended, be and the same is hereby amended to read as follows: Section 1. DEFINITIONS. - The following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings: (1) "Retirement System" shall mean the Employees' Retirement System of Alabama as defined in Section 2 of this Act. (2) "Employee" shall mean any regular employee of the State of Alabama whose salary is paid on a monthly basis by state warrant by the State, except a member of the Legislature of the State, a person who is covered or eligible to be covered under the Teachers' Retirement System of Alabama or any other retirement system to which contributions are made by the State an elective official of the State Government or a department head authorized to exercise sovereign power of the State and a temporary employee or person engaged under retainer or special agreement except that a member who becomes an elected official of the State Government not subject to Supernumerary retirement or a department head authorized to exercise sovereign power of the State through appointment by the Governor shall continue to be an "employee" within the meaning of this section." In all cases of doubt the Board of Control shall determine who is an employee within the meaning of this Act. (2½) The word "employee" shall

mean any regular employee of the Alabama State Hospitals and Partlow State School for Mental Deficients, however paid. (3) "Employer" shall mean the State of Alabama, or any department, commission, institution, or any other agency of and within the State by which an employee is paid, including employers as provided in Section 12. (4) "Member" shall mean any employee included in the membership of the system as provided in Section 3 of this Act. (5) "Board of Control" shall mean the board provided for in Section 6 of this Act to administer the retirement system. (6) "Medical Board" shall mean the board of physicians provided for in Section 6 of this Act. (7) "Service" shall mean service as an employee paid for by an employer. (8) "Prior Service" shall mean service rendered prior to the date of establishment of the retirement system for which credit is allowable under Section 4 of this Act. (9) "Membership service" shall mean service as an employee rendered while a member of the retirement system and on account of which contributions are made. (10) "Creditable service" shall mean "prior service" plus "membership service" rendered since last becoming a member. (11) "Beneficiary" shall mean any person in receipt of a pension, an annuity, a retirement allowance, or other benefit as provided by this Act. (12) "Regular interest" shall mean interest compounded annually at such rate as shall be determined by the Board of Control in accordance with Section 7, Subsection (2), of this Act. (13) "Accumulated contributions" shall mean the sum of all the amounts deducted from the compensation of a member credited to his individual account in the Annuity Savings Fund, together with regular interest thereon, as provided in Section 8 of this Act. (14) "Earnable compensation" shall mean the full rate of compensation that would be payable to an employee if he worked the full normal working time. In cases where compensation includes maintenance, the Board of Control shall fix the value of that part of the compensation not paid in money. (15) "Average final compensation" shall mean the average annual earnable compensation of an employee during his last ten years of service prior to retirement, or if he should have less than ten years of service, then his average earnable compensation for this total service. (16) "Annuity" shall mean payments for life derived from the "accumulated contributions" of a member. All annuities shall be payable in equal monthly installments. (17) "Pension" shall mean payments for life derived from money provided by the employer. All pensions shall be payable in equal monthly installments. (18) "Retirement allowance" shall mean the sum of the "annuity" and the "pension". (19) "Retirement" shall mean withdrawal from active service with a retirement allowance or optional benefit in lieu thereof granted under the provisions of this Act. (20) "Annuity reserve" shall mean the present value of all payments to be made on account of any

annuity or benefit in lieu of any annuity computed upon the basis of such mortality tables as shall be adopted by the Board of Control and regular interest. (21) "Pension reserve" shall mean the present value of all payments to be made on account of any pension or benefit in lieu of any pension computed upon the basis of such mortality tables as shall be adopted by the Board of Control and regular interest. (22) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality tables as shall be adopted by the Board of Control and regular interest. (23) The masculine pronoun, whenever used, shall include the feminine. (24) "State Policeman" shall mean an employee in the classified service under the Merit System Act approved by the Personnel Board to perform the duties of Highway Patrolman, or a Beverage Control Agent, or a Crime Investigator, and shall not include a member employed as a policeman under the provisions of Section 12 of this Act.

Section 2. This Act shall become effective November 1, 1959, following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 6, 1959.

Time: 5:16 P. M.

Act No. 376

H. 537—Ramey, Martin

AN ACT

To provide a retirement benefit to any state employee who had attained age 60 on or before October 1, 1945, who declined membership in the Employees' Retirement System of Alabama in the manner prescribed in Section 3 of Act 515 approved July 9, 1945, and who retires with a minimum of fifteen years of service as a state employee; and to provide a supplement to the retirement benefits of certain state employees who are now or will be retired by the Board of Control of the Employees' Retirement System under the provisions of Act 515, approved July 9, 1945; to set forth the requirements under which said retirement and supplemental benefits shall be granted; and to provide for the management of the fund from which said assistance payments shall be made; and to repeal Act 571 approved September 18, 1957 relating to certain benefits to retired state employees, and to provide the appropriation necessary to carry out the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby provided (1) an annual benefit in equal monthly installments to any state employee who had attained age sixty on or before October 1, 1945, who declined membership in the Employees' Retirement System of Alabama in the manner prescribed by law and who retires as a state employee after completing a minimum of fifteen years of such service; and (2) to further provide a supplement to the re-

tirement benefits of certain state employees who are now or will be retired by the Board of Control of the Employees' Retirement System under the provisions of Act 515, approved July 9, 1945. (3) To further provide an annual benefit in equal monthly installments to any state employee, other than an elected official, who has been ineligible for membership in the Employees' Retirement System, who on or before February 1, 1958, attains age 60 and who retires from state service with 20 or more years of state service.

Section 2. BENEFITS. (1) Any person approved by the Board of Control of the Employees' Retirement System for a retirement benefit who was retired on or before January 1, 1956 as provided in Subsection (1) of Section 1 of this act shall be eligible to receive a monthly retirement benefit allowance in an amount equal to three dollars and thirty cents times the number of years of creditable service as a state employee up to a maximum of thirty years of such service. (2) Any person approved by the Board of Control of the Employees' Retirement System for a retirement benefit who retires subsequent to January 1, 1956 as provided in Subsection (1) of Section 1 of this act shall be eligible to receive a monthly retirement benefit allowance in an amount equal to two dollars and seventy-five cents times the number of years of creditable service as a state employee up to a maximum of twenty-five years of such service. (3) Any person approved by the Board of Control of the Employees' Retirement System for a benefit payable under Subsection (2) of Section 1 of this act, who was retired on or before January 1, 1956, shall be eligible to receive a supplement to his retirement allowance in an amount required to provide him with a minimum monthly retirement allowance equal to three dollars and thirty cents times the number of years of his creditable service as a state employee up to a maximum of thirty years of such service. (4) Any person approved by the Board of Control of the Employees' Retirement System for a benefit payable under Subsection (2) of Section 1 of this act who retires subsequent to January 1, 1956 shall be eligible to receive a supplement to his retirement allowance in an amount required to provide him with a minimum monthly retirement allowance equal to two dollars and seventy-five cents times the number of years of his creditable service as a state employee up to a maximum of twenty-five years of such service. (5) Any person approved by the Board of Control of the Employees' Retirement System for a retirement benefit who retires from service subsequent to February 1, 1958, as provided in Subsection (3) of Section 1 of this act shall be eligible to receive a monthly benefit allowance in an amount equal to two dollars and seventy-five cents times the number of years of creditable service as a state employee up to a maximum of twenty-five years of such service. (6) Any state policeman approved by the Board of

Control of the Employees' Retirement System for a retirement benefit payable under Subsection 1 of Section 1 of this Act shall be eligible to receive a monthly benefit in an amount equal to five dollars and fifty cents times the number of years of creditable service as a state policeman up to a maximum of twenty-five years of such service. (7) Any state policeman approved by the Board of Control of the Employees' Retirement System for a benefit payable under Subsection 2 of Section 1 of this Act shall be eligible to receive a supplement to his retirement allowance in an amount required to provide him with a minimum monthly retirement allowance equal to five dollars and fifty cents times the number of years of his creditable service as a State policeman up to twenty-five years of such service.

Section 3. (1) Any person approved by the Board of Control of the Employees' Retirement System for a disability benefit payable under Subsection (2) of Section 1 of this act who was retired on or before January 1, 1956 shall be eligible to receive a supplement to his disability retirement allowance in an amount required to provide him with a minimum monthly retirement allowance of seventy-five per cent of three dollars and thirty cents times the number of years of his creditable service as a state employee up to a maximum of thirty years of such service. (2) Any person approved by the Board of Control of the Employees' Retirement System for a disability benefit payable under Subsection (2) of Section 1 of this act who retires subsequent to January 1, 1956 shall be eligible to receive a supplement to his disability retirement allowance in an amount required to provide him with a minimum monthly retirement allowance of seventy-five per cent of two dollars and seventy-five cents times the number of years of his creditable service as a state employee up to a maximum of twenty-five years of such service. (3) Any state policeman approved by the Board of Control of the Employees' Retirement System for a disability benefit payable under Subsection 2 of Section 1 of this act shall be eligible to receive a supplement to his disability retirement allowance in an amount required to provide him with a minimum monthly retirement allowance of seventy-five per cent of five dollars and fifty cents times the number of years of his creditable service as a State policeman up to a maximum of twenty-five years of such service.

Section 4. The Board of Control of the Employees' Retirement System of Alabama shall administer all the benefits provided by the act under such rules and regulations as said Board of Control may adopt, not inconsistent herewith. Should it appear to the Board of Control of the Employees' Retirement System that during any fiscal year the total amount of the benefits provided by this act exceeds the amount appropriated for this purpose, the Board of Control is hereby directed and em-

powered to transfer from the Pension Accumulation Fund of the Employees' Retirement System the necessary funds to carry out the provisions of this act.

Section 5. The Board of Control of the Employees' Retirement System shall determine annually the amount required to pay the costs of the benefits provided in this act, and shall certify such amount, not to exceed the amount appropriated for this purpose, to the State Comptroller. The State Comptroller shall set this amount up annually as payable to the Board of Control of the Employees' Retirement System for the purpose herein defined.

Section 6. The payments of all benefits provided in this act shall be made by the State Treasurer on warrants drawn by the State Comptroller upon the requisitions issued by the Board of Control of the Employees' Retirement System of Alabama.

Section 7. No provisions of this act shall have the effect of reducing the retirement allowance of any person receiving a retirement allowance prior to the effective date of this act.

Section 8. Act No. 571 approved September 18, 1957 relating to certain benefits is hereby expressly repealed.

Section 9. This Act shall become effective November 1, 1959.

Approved November 6, 1959.

Time: 5:16 P. M.

Act No. 377

H. 762—Callahan, Hanby, Dodd, Jenkins, Cabiness, Branyon, Hearn, McLendon (Chambers), Jones (Monroe), Daniel, Bishop, Johnston (Leonard), Bailey, Chambers, Meade, Albea, Ramey, Sullivan, McLendon (Bullock), Brewer, Speaks, Jones (Covington), Rozelle, Glass, Cook, Bevill, Cates, Johnson (Hardaway), Salter, Phillips, Harris, Solomon, Rogers, Copeland, Hankins, Oden, Britton, Ashworth, Reynolds (Madison), Trimmier, Thomas, Locke, Self, Hain, Turnham, Hardy, Avery, Harvey, Faulk, Grouby, Gilmer, Taylor, Broadfoot, Brannan, Powell, Smith (St. Clair), Ferguson, Nettles, Merrill, Roberts, Reynolds (Chambers), Adams (Houston), Hocklander, Rast, Nichols, Gilchrist, Martin, Barnett, Long (Perry), Owens, Long (Lauderdale)

AN ACT

To authorize the sale and issuance of not exceeding \$3,000,000 principal amount of general obligation bonds of the State of Alabama for the purpose of constructing and equipping a hospital building to constitute a part of the University of Alabama Medical Center and to be used for the care and treatment of mental patients and for training of medical students in the field of mental illness; to pledge the full faith and credit of the state for payment of the principal of and interest on said bonds; to appropriate and pledge, as additional security therefor, so much as may be necessary of that portion of the state taxes on the sale of spirituous or vinous liquors that is required by law to be paid into the Alabama Special Mental Health Fund; to create a bond commission with authority to specify the details of and to make provisions for the sale of and to sell said bonds; and to make provision for the terms, execution, and issuance of said bonds and the use of the proceeds thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The following terms, wherever used in this act, shall have the following respective meanings: "Bonds" mean the bonds authorized in this act; "the commission" means the bond commission created in this act; "the state" means the State of Alabama. Use of words in the plural shall include the singular, and pronouns shall include all applicable genders.

Section 2. There are hereby authorized to be issued not exceeding \$3,000,000 aggregate principal amount of bonds of the state, which shall be general obligations of the state for the prompt and faithful payment of the principal of and interest on which the full faith and credit of the state are hereby irrevocably pledged. In addition thereto, there is hereby appropriated and hereby specially and irrevocably pledged, for payment of the principal of and interest on the bonds, pro rata and without priority of one over another by reason of prior issuance or otherwise, so much as may be necessary for said purpose of that portion of the state taxes on the sale of spirituous or vinous liquors that is required by law on the date of the adoption of this act to be paid into the Alabama Special Mental Health Fund, being that portion of said taxes provided to be paid into said fund by Act No. 312, adopted 1959, Regular Session of the Legislature of Alabama. The said special pledge shall create a charge on the said portions of the said taxes prior to all other charges or expenses for mental health purposes or other purposes.

Section 3. The Governor, the Director of Finance, and the President pro tempore of The Board of Trustees of the University of Alabama are hereby constituted a bond commission with full authority, except as herein specified or limited, to provide the terms of the bonds and to provide for the sale and issuance thereof. No member of the commission shall receive compensation in any form for any services performed by him in and about his duties as a member or officer of the commission. The commission shall meet at the call of the Governor, who is hereby constituted its chairman, and it shall designate one of its members as secre-

tary thereof. Two members of the commission shall constitute a quorum for the transaction of business and all proceedings of the commission shall be reduced to writing and recorded in a substantially bound book which shall be signed by the members of the commission and filed with the Secretary of State who shall retain the same.

Section 4. Except as hereinafter limited, the bonds may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest or both, may be payable at such installments and at such time or times, may be payable at such place or places within or without the state, may bear interest at such rate or rates payable and evidenced in such manner, may contain provisions for redemption at the option of the commission at such date or dates prior to their maturity and upon payment of such redemption price or prices, and may contain such other provisions not inconsistent with the provisions of this act, all as shall be provided by the commission in the resolution or resolutions whereunder the bonds are issued. The principal of each series of the bonds shall mature in annual installments in such amounts as shall be specified in the resolution or resolutions of the commission under which they are issued, the first of which installments shall mature not later than one year after the date of the bonds of such series and the last of which installments shall mature not later than twenty years after the date of the bonds of the same series. Any redemption price required to be paid in order to effect any redemption of bonds prior to maturity shall not exceed the face value of each bond redeemed plus accrued interest thereon to the date fixed for redemption and a premium equal to one year's interest on such bond. Each series of bonds having an installment of principal maturing more than ten years after the date thereof shall be made subject to redemption prior to maturity, at the option of the state, at the end of the tenth year following their date and semiannually thereafter, as a whole or in part in the inverse order of the numbers of the bonds of that series. When each series of the bonds is issued, the maturities of the bonds of that series shall, to such extent as may be practicable, be so arranged that during each then succeeding fiscal year of the state the aggregate installments of principal and interest that will mature on all bonds that will be outstanding hereunder, immediately following the issuance of the bonds of that series, will be substantially equal; provided, that the determination by the commission that the requirements of this sentence have been complied with shall be conclusive of such compliance and the purchasers of any of the bonds and all subsequent holders thereof shall be fully protected by such determination. None of the bonds shall be sold for less than their face value plus accrued interest thereon to the

date of their delivery, and all of the bonds shall be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the state computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the commission is received all bids may be rejected. Notice of each bond sale shall be given by the commission by publication in either a financial journal or a financial newspaper published in New York, New York, and also by publication in a newspaper published in the State of Alabama, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale. The commission shall cause such other publicity to be given of each bond sale as it may deem advisable, and it shall fix the terms and conditions under which each sale of bonds may be held; provided, that such terms and conditions shall not conflict with any of the requirements of this act. The commission is authorized to provide terms and conditions under which any of the bonds may be exchanged for like bonds of other denominations and may be converted from bearer bonds into registered bonds, either as to principal or interest or both as the commission may prescribe, and again converted into bearer bonds. Subject to the provisions of this act, the commission may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the commission then outstanding.

Section 5. The bonds shall be executed in the name of the state by the Governor, and the Great Seal of the state shall be affixed thereto and attested by the Secretary of State. A facsimile of the signature of either, but not of both, of said officials may be imprinted on any of the bonds in lieu of being manually inscribed thereon, and in the discretion of the commission a facsimile of the Great Seal of the state may be engraved, lithographed or imprinted on the bonds in lieu of said seal being manually affixed thereon. The coupons evidencing any installments of interest on the bonds shall be executed with the facsimile signature of the State Treasurer. Each such facsimile signature shall be valid in all respects as if the officials whose facsimile signatures are so used had signed the bonds in person. Any facsimile of the Great Seal of the state so used shall be valid in all respects as if the Great Seal of the state had been manually affixed to the bonds. In the event any official who shall sign the bonds or whose facsimile signature shall appear thereon shall thereafter cease to hold office before they are delivered and paid for, the bonds and the coupons applicable thereto shall nevertheless be valid for all purposes to the same extent as if the official who signed the bonds or whose facsimile signature appears thereon had remained in office until all of the bonds bearing such signature or facsimile thereof shall have been delivered and paid for.

Section 6. The proceeds derived from the sale of the bonds

shall be covered into the State Treasury and after payment therefrom on order of the commission of the expenses incident to the authorization, preparation and issuance of the bonds, the balance remaining shall be disbursed from time to time on order of The Board of Trustees of the University of Alabama solely for the construction and equipment of a hospital building to constitute a part of the University of Alabama Medical Center and to be used for the care and treatment of mental patients and for training medical students in the field of mental illness.

Section 7. If any part or provision of this act shall be held to be invalid by a court of competent jurisdiction such invalidity shall not affect any other provision hereof.

Section 8. This act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing issuance of the bonds.

Approved November 6, 1959.

Time: 5:18 P. M.

Act No. 378

H. 855—Shumate, Bevill

AN ACT

To permit any water works board organized under the provisions of Sections 394 to 402, inclusive, of Title 37 of the Code of Alabama of 1940 which has acquired or may hereafter acquire a gas plant and system pursuant to Act No. 154 adopted at the 1947 Regular Session of the Legislature of Alabama, to issue revenue bonds for certain water works purposes and to pledge for payment of such revenue bonds not only water revenues, but also any available gas revenues and to provide that in order so to issue revenue bonds it shall not be necessary for such water works board to combine such water and gas systems.

Be It Enacted by the Legislature of Alabama:

Section 1. Any water works board organized under the provisions of Sections 394 to 402, inclusive, of Title 37 of the Code of Alabama of 1940 which has acquired, or may hereafter acquire, a gas plant or system pursuant to the provisions of Act No. 154 adopted at the 1947 Regular Session of the Legislature of Alabama may, in addition to the powers granted it by the aforesaid statutes, issue revenue bonds for the purpose of acquiring or constructing improvements and extensions to its water works plant and system and may pledge for payment of such revenue bonds not only revenues from such water works plant and system, but also any available revenues from its gas plant and system. In order so to issue revenue bonds payable from the revenues of both its water works plant and system and its gas plant and system, it shall not be necessary for such water works board to combine such systems or to provide for their operation, maintenance and repair as one combined and consolidated plant and

system or for the keeping of books and records for one combined plant and system.

Section 2. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 6, 1959.

Time: 5:19 P. M.

Act No. 379

H. 910—Steagall

AN ACT

Relating to the municipality of Ozark, in Dale County: To alter, rearrange, and extend the boundaries and corporate limits of the municipality of Ozark, exempting annexed farm land and appurtenances from municipal ad valorem taxation so long as the same is used for farm purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the municipality of Ozark in Dale County are hereby altered, rearranged, and extended so that in addition to the territory now lying within such municipality all the territory herein described, lying and being in Dale County, Alabama, will be embraced within the corporate limits of the municipality, to-wit:

The E $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 10, Township 5, Range 24;

The SW $\frac{1}{4}$ of SW $\frac{1}{4}$ and the S $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 3, Township 5, Range 24;

All that part of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$, lying north of the branch and all of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9, Township 5, Range 24;

The SE $\frac{1}{4}$, the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and the N $\frac{1}{2}$ of the SW $\frac{1}{4}$, all in Section 4, Township 5, Range 24;

The N $\frac{1}{2}$ of the SE $\frac{1}{4}$, the S $\frac{1}{2}$ of SW $\frac{1}{4}$, and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, all in Section 5, Township 5, Range 24;

The SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, the N $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, and the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, all in Section 6, Township 5, Range 24;

The NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, the W $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, the E $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$, the N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, the west fifteen (15) acres in the S $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, all in Section 7, Township 5, Range 24.

Section 2. All farm and pasture land annexed by this Act, the improvements thereon and the appurtenances thereunto appertaining, shall be exempt from all ad valorem taxation by the municipality of Ozark during the time such property is used for farming or grazing purposes.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 6, 1959.
Time: 5:19 P. M.

Act No. 380

H. 941—McCorquodale

AN ACT

Relating to Clarke County; creating the office of Second Special Deputy Sheriff; and providing for the appointment, duties, salary, and manner of payment of the salary of such Second Special Deputy.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of second special deputy sheriff for Clarke County, which deputy shall be in addition to the deputies now provided by law. The second special deputy sheriff provided for herein shall be appointed by the Sheriff, shall serve at his pleasure, and shall perform the duties of Deputy Sheriff of Clarke County, and such other duties connected with the office of Sheriff as the Sheriff shall assign to him.

Section 2. The second Special Deputy Sheriff provided for by this act shall be paid a salary which shall be fixed by the governing body of Clarke County, at not less than two hundred fifty dollars (\$250.00), nor more than three hundred fifty dollars (\$350.00) per month, payable monthly. The governing body of Clarke County is hereby authorized and directed to draw warrants each month on the County Treasurer in favor of the second Special Deputy Sheriff for the preceding month's work, on the certification of the Sheriff that such work has been performed, in the amount fixed by said governing body as hereinabove prescribed, which warrants shall be paid out of the General Fund of the County.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 6, 1959.
Time: 5:20 P. M.

Act No. 381

H. 942—McCorquodale

AN ACT

To amend Section 2 of Act No. 64, S. 11, approved April 13, 1955, entitled "An act relating to Clarke County; creating the office of Special Deputy Sheriff; and providing for the appointment, duties, salary, and manner of payment of the salary of such Special Deputy," (Acts of the 1955 second extraordinary session, Vol. 1, Page 175.)

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 64, S. 11, approved April 13, 1955, entitled "An act relating to Clarke County; creating the office of Special Deputy Sheriff; and providing for the appointment, duties, salary, and manner of payment of such Special Deputy," (Acts of the 1955 second extraordinary session, Vol. 1, Page 175) is amended to read as follows:

"The Special Deputy Sheriff provided for by this act shall be paid a salary which shall be fixed by the governing body of Clarke County, at not less than two hundred fifty dollars (\$250.00), nor more than three hundred fifty dollars (\$350.00) per month, payable monthly. The governing body of Clarke County is hereby authorized and directed to draw warrant each month on the County Treasurer in favor of the Special Deputy Sheriff for the preceding month's work, on the certification of the Sheriff that such work has been performed, in the amount fixed by said governing body as hereinabove prescribed, which warrants shall be paid out of the General Fund of the County."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 6, 1959.

Time: 5:21 P. M.

Act No. 382

H. 944—Martin

AN ACT

To alter and rearrange the boundaries of the City of Eutaw, Greene County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Eutaw in the County of Greene be and the same hereby are altered and rearranged so as to include within the corporate limits of the said City of Eutaw, Alabama all of the following described territory, to-wit:

NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3, N $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 3, N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 4, E $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4, NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5, N $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 5, all in Township 21 North, Range 2 East.

W $\frac{1}{2}$ of E $\frac{1}{2}$ of Section 34, W $\frac{1}{2}$ of Section 34, E $\frac{1}{2}$ of Section 33, E $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 33, N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 33, NW $\frac{1}{4}$ of Section 33, SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 32, SW $\frac{1}{4}$ of Section 32, S $\frac{1}{2}$ of N $\frac{1}{2}$ of Section 32, N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 32, SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 28, S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 28, NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28, NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 29, SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29, all in Township 22 North, Range 2 East.

Section 2. All laws and parts of laws, either general or special, in conflict with the provisions of this Act be and the same are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 6, 1959.

Time: 5:22 P. M.

Act No. 383

S. 270—Barnett

AN ACT

To dissolve the municipal corporation of Daleville, Dale County, revoke its charter, and provide for the disposition of its property and payment of its debts.

Be It Enacted by the Legislature of Alabama:

Section 1. The municipal corporation of Daleville in Dale County is hereby dissolved and the charter of said municipality is hereby revoked.

Section 2. The title to any property owned by the municipality of Daleville on the effective date of this Act shall vest in the County of Dale; but if the municipality owes any debts, such property shall be sold by the court of county commissioners, board of revenue, or other like governing body of said county and the proceeds of the sale shall be applied pro rata to the payment of such indebtedness.

“Section 3. The substantive provisions of this Act shall become operative only if approved by a majority of the qualified electors residing within the corporate limits of the town of Daleville on the date this Act became law and voting in a referendum to be held on a day designated by the judge of probate of Dale County, not less than thirty nor more than sixty days from the date on which this Act becomes law. Notice of the election shall be given by the probate judge of Dale County in a newspaper published in such county for three successive weeks before the election.

"The judge of probate, the circuit clerk, and the sheriff acting jointly may designate the voting places within the town, and shall appoint three inspectors of election and one returning officer for each voting place which inspectors shall manage the election at the respective voting places.

"The question submitted shall be: Shall Act No. _____ S. B. 270 of the 1959 Regular Session of the Legislature of Alabama which dissolves the municipal corporation of Daleville and revokes its charter be adopted? Each voter may furnish his own ballot and if he desires to vote for the adoption of said Act there shall be written or printed on such ballots the words "Yes." If he desires to vote against the adoption of such Act the word "No" shall be written or printed on his ballot. The inspectors at the respective voting places must, as soon as the polls are closed, ascertain and certify the results of the election at their respective voting places to the judge of probate and deliver the same to the returning officer, who must at once return the same to the judge of probate.

"The judge of probate, circuit clerk and sheriff of the county must canvass the returns as made by the inspectors, and if it appears that the majority of the votes cast at the election were in favor of adoption of the act the judge shall make and enter an order on the records of the probate court adjudging and decreeing the act adopted and dissolving the municipal corporation of Daleville. If it appears that a majority of the votes cast at the election are against adoption of the act the judge of probate shall make and enter an order on the records of the court adjudging and decreeing that a majority of the votes cast at such election were cast against adoption of the act and that such act shall have no further force and effect. Within ten days after ascertaining the results of the election the judge of probate shall certify the results thereof to the mayor of the town of Daleville and also to the Secretary of State of the State of Alabama.

"The result of such election may be contested by any qualified elector voting at the election as is provided by the general laws for contesting the election of justices of the peace, making the city the contestee.

"The town of Daleville shall pay all cost and expenses pertaining to the election and the notice thereof.

"If a majority of the votes cast in the election are 'Yes', the provisions of this Act shall become operative sixty days thereafter. If a majority are 'No' this Act shall have no further force or effect."

Approved November 6, 1959.
Time: 5:23 P. M.

Act No. 384

S. 286—deGraffenried

AN ACT

Relating to municipalities having a population of not less than 40,000 nor more than 50,000, according to the last or any subsequent federal decennial census; providing optional forms of government which may be adopted by such municipalities; and providing the method by which any such municipality may adopt such an optional form of municipal government.

Be It Enacted by the Legislature of Alabama:

Chapter 1

Section 1. This act shall apply only to municipalities having a population of not less than 40,000 nor more than 50,000, according to the last or any subsequent federal decennial census. Any such city may retain the form of government under which it is presently operating or may adopt, upon proceeding in the manner provided in this act, one of the optional plans or forms of government provided herein.

Section 2. The legally qualified voters of any municipality to which this act is applicable may adopt any of the optional plans of this act upon petition and referendum, as hereinafter provided.

Section 3. Upon petition signed by ten per cent or more of the qualified voters of a municipality within the scope of this act, such petition to be addressed to the judge of probate of the county in which the municipality is situated, an election shall be held on the question of the adoption of such optional plan under this act as the petition may designate.

Section 4. The judge of probate shall examine the petition, and if he determines that the petition is signed by at least ten per cent of the qualified voters of the municipality, he shall certify such fact to the governing body of the municipality; and such governing body, immediately upon receipt of such certification, shall call such election to be held together with, and as part of, the next general or municipal election if one is to be held not less than seventy-five nor more than one hundred twenty days after the filing of the petition, and if a general or municipal election is not to be held within that time, a special election within such time. The question of adoption of an optional plan of government shall be submitted to the voters in the same manner as other public questions to be voted upon by the voters of a single municipality.

Section 5. No petition for submission of the question of adopting an optional plan of government pursuant to this act may be filed within two years after any other such petition has been duly filed, nor within five years after an optional plan of government hereunder shall have been adopted for the municipality.

Section 6. Whenever the legally qualified voters of any mu-

municipality to which this act applies, by a majority of those voting on the question, vote in favor of adopting a change in their form of government pursuant to this act, the officers herein provided for such form of government shall be elected and the plan of government shall become effective as hereinafter provided.

Chapter 2

Section 7. The form of government provided in this chapter of this act shall be known as the "mayor-council plan" and shall apply to any municipality the voters of which have adopted it pursuant to this act.

Section 8. Each municipality hereunder shall be governed by an elected council, an elected mayor, and such other officers and employees as may be duly appointed pursuant to law or ordinance.

Section 9. The council shall consist of five members, who shall be elected at large by the voters of the municipality; and, except as otherwise herein provided for the first council, the members of the council shall be elected at a regular municipal election to be held every four years in the month of September. Each councilman shall have been a citizen and resident of the municipality at least two years preceding his election.

Section 10. Members of the council shall serve for a term of four years, beginning at twelve o'clock noon on the first Monday of October next following their election, except as otherwise provided for those first elected. Five councilmen shall be elected at the first election following the adoption by the municipality of this plan, as provided in chapter 4 of this act. All councilmen elected at such first election shall serve from twelve o'clock noon on the first day the plan takes effect until twelve o'clock noon on the first Monday in October of the year in which regular municipal elections are held, and their successors are elected and qualified. Vacancies shall be filled for the remainder of the unexpired term at the next general election to be held not less than sixty days after the occurrence of the vacancy. Council may fill the vacancy temporarily by appointment to serve until the qualification of a person so elected. Councilmen shall be entitled to a compensation of twelve hundred dollars per annum each, payable in installments as the salaries of other municipal officers are paid.

Section 11. All legislative powers and other powers granted to cities and towns shall be exercised by the council, except those powers conferred on some officer by law or ordinance, and except as may otherwise be provided by this act or by other general laws.

Section 12. The council, in addition to such other powers and duties as may be conferred upon it by this act or otherwise by law, may:

(a) Consider and approve or decline to approve nominations for appointments to be made by the mayor;

(b) Require any municipal officer, in its discretion, to prepare and submit sworn statements regarding his official duties and the performance thereof, and otherwise to investigate the conduct of any department, office, or agency of the municipal government;

(c) Remove any municipal officer, other than the mayor or a member of council, for cause, upon notice and opportunity to be heard.

Section 13. The council shall appoint a municipal clerk, who shall serve as clerk of the council, keep its minutes and records of its proceedings, maintain and compile its ordinances and resolutions, and perform such other functions as may be required by law for municipal clerks generally. The municipal clerk shall, prior to his appointment, have been qualified by training or experience to perform the duties of the office.

Section 14. The executive power of the municipality shall be exercised by the mayor. The mayor shall be elected by the qualified voters of the municipality at the regular municipal election to be held every four years in the month of September, and shall serve for a term of four years beginning at twelve o'clock noon on the first Monday in October following his election. Vacancies in the office of mayor shall be filled in the same manner as vacancies in council. However, the mayor elected at the first election following the adoption of this plan shall serve from twelve o'clock noon on the first day the plan takes effect until twelve o'clock noon on the first Monday in October of the year in which regular municipal elections are held and his successor is elected and qualified. The mayor shall be entitled to compensations at the rate of ten thousand dollars per annum, payable in installments as the salaries of other municipal officers are paid.

Section 15. The mayor shall enforce the ordinances of the municipality and all laws applicable thereto. He shall annually address the council on the condition and requirements of the municipal government and shall from time to time make such recommendations for action by the council as he may deem in the public interest. He shall supervise all of the departments of the municipal government and shall require each department to make an annual and such other reports of its work as he may deem desirable.

Section 16. (a) The mayor shall nominate and appoint, with the advice and consent of the council, the judge of the municipal court, or recorder, and the department heads of the municipality other than the municipal clerk, and may remove at his pleasure the officers appointed by him.

(b) Ordinances adopted by the council shall be submitted to the mayor, and he shall within ten days after receiving any ordinance, either approve the ordinance by affixing his signature thereto or return it to the council, by delivering it to the municipal clerk, together with a statement setting forth his objections thereto or to any item or part thereof. No ordinance or any item or part thereof shall take effect without the mayor's approval, unless the mayor fails to return an ordinance to council within ten days after it has been presented to him, or unless council upon reconsideration thereof on or after the next regular council meeting following its return by the mayor shall by a vote of four members resolve to override the mayor's veto.

(c) The mayor may attend all meetings of the council and preside as chairman and may take part in the sessions of council but shall have no vote except in the case of tie, in which case he may cast the deciding vote.

Section 17. The mayor shall designate the director of administration (or other municipal administrative official subject to the approval of the council) to act as mayor whenever the mayor shall be prevented by absence from the municipality, disability, or other cause from attending the duties of his office. During such time the person so designated by the mayor shall possess all the rights, powers, and duties of the mayor except to hire or dismiss departmental heads or other key officials. Whenever the mayor shall have been unable to attend the duties of his office for a period of sixty consecutive days for any of the above stated reasons, an acting mayor shall be appointed by the council, and he shall succeed to all the rights, powers, and duties of the then acting mayor.

Section 18. The municipality shall have a department of administration and such other departments not exceeding nine in number as council may establish by ordinance. All of the functions, powers, and duties of the municipality shall be allocated and assigned among and within such departments. Each department shall be headed by a director or other officer appointed by the mayor with the advice and consent of the council. The department heads shall serve at the pleasure of the mayor.

Section 19. The department of administration shall be headed by a director who shall be known and designated as the director of administration. The director of administration shall be appointed as other department heads are appointed, and shall be chosen solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. He shall have, exercise, and discharge the functions, powers, and duties of the department.

The department, under the direction and supervision of the mayor shall:

(a) Assist in the preparation of the budget;

(b) Administer a centralized purchasing system; provided, all contracts of whatever nature for the purchase of materials, equipment, supplies, or other personal property involving more than 100 dollars or less than 2,000 dollars made by or on behalf of the municipality, shall be let by free and open bidding, on written sealed bids, to the lowest responsible bidder. Provided further that all purchases of 2,000 dollars or more shall be advertised for by publication three successive weeks before the date set for the letting, in a newspaper published in the city, and in any other manner and for such lengths of time as the council may determine. All bids shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together with all documents relating to the award of the contract shall be retained and made a part of a permanent record or file and shall be open to public inspection;

(c) Be responsible for the development and administration of a sound personnel system; provided, all appointments and removals of officers and employees of the municipality shall be made in accordance with the provisions of the existing merit or civil service system law, if any, in effect in the municipality;

(d) Perform such other duties as council may prescribe.

Section 20. Council shall provide by ordinance for a municipal engineer who shall be qualified at least as a licensed professional engineer prior to his appointment, and shall serve either full or part time, or on a consulting basis. The municipal engineer shall supervise all work by or for the municipality of a technical or engineering nature. He shall as directed by council compile and compute any cost of all work and services of an engineering or technical nature paid for by the municipality whether charged to force account or by contract, and shall report thereon to council annually and at such other times as the mayor or council may require.

Section 21. The municipal budget shall be prepared by the mayor with the assistance of the director of administration. During the month of August, the mayor shall require all department heads to submit requests for appropriations for the ensuing budget year, and to appear before the mayor or director of administration at public hearings, which shall be held in that month, on the various requests.

Section 22. On or before the fifteenth day of September the mayor shall submit to council his recommended budget together with such explanatory comment or statement as he may deem

desirable. The budget shall be in such form as may be prescribed by the council, and shall in addition have appended thereto a detailed analysis of the various items of expenditure and revenue. Council may increase or reduce any item or items in the mayor's budget by a vote of a majority of the council. The budget shall become effective on the ensuing first day of October.

Section 23. The council shall where practicable provide for the maintenance of a system of quarterly allotments for the operation of the budget. It shall be the duty of the officer or department administering any function of the municipality to report to the director of administration such financial statistics as the mayor or director of administration may require in the formulation of the budget.

Section 24. The council shall provide by ordinance for the exercise of a control function, in the management of the finances of the municipality, by some officer other than the director of administration. The control function shall include provision for an encumbrance system of budget operation, for expenditures only upon written requisition, for the pre-audit of all claims and demands against the municipality prior to payment, and for the control of all payments out of any public funds by individual warrants for each payment to the official having custody thereof.

Chapter 3

Section 25. The form of government provided in this chapter of this act shall, be known as the "council-manager plan" and shall apply to any municipality the voters of which have adopted this plan pursuant to this act.

Section 26. Each municipality under this chapter shall be governed by an elected council, an appointed municipal manager, and such other officers and employees as may be duly appointed pursuant to law or ordinance.

Section 27. The municipal council shall consist of five members. Each councilman shall have been a citizen and resident of the municipality at least two years immediately preceeding his election.

Section 28. Except as otherwise herein provided for the first councilmen, members of the municipal council shall be elected at large by the voters of the municipality at a regular municipal election to be held every four years in the month of September.

Section 29. Members of the council shall serve for a term of four years, beginning on the first Monday in October next following their election, except as otherwise provided for those first elected. Five councilmen shall be elected at the first election following the adoption by the municipality of this plan, as provided in chapter 4 of this act. All councilmen elected at such first elec-

tion shall serve from twelve o'clock noon on the first day the plan takes effect until twelve o'clock noon on the first Monday in October of the year in which regular municipal elections are held, and their successors are elected and qualified. Vacancies shall be filled by election for the remainder of the unexpired term at the next general election occurring not less than sixty days after the occurrence of the vacancy. Council may fill the vacancy temporarily by appointment to serve until the qualification of a person so elected. Councilmen shall be entitled to a compensation of 1,200 dollars per annum each, payable in installments as the salaries of other municipal officers are paid.

Section 30. On the first Monday in October following their election, and, in the case of the first councilmen elected, on the day this plan takes effect, the members elected to the municipal council shall assemble at the usual place of meeting of the governing body of the municipality and organize and elect one of their number as mayor. The mayor shall be chosen by ballot by a majority vote of all members of the municipal council. If the members shall be unable, within five ballots to be taken within two days of said organization meeting to elect a mayor, then the member who in the election for members of the municipal council received the greatest number of votes shall be the mayor. Should such person decline to accept the office, then the person receiving the next highest vote shall be mayor and so on. The compensation of the mayor under this plan shall be \$2,400.00 dollars.

Section 31. The mayor shall preside at all meetings of the municipal council and shall have a voice and vote in its proceedings. All bonds, notes, contracts, and written obligations of the municipality shall be executed on its behalf by the mayor, or in the event of his inability to act, by such councilman as the municipal council shall designate to act as mayor during his absence or disability.

Section 32. All legislative powers and other powers granted to cities and towns shall be exercised by the council, except those powers conferred on some officer by law or ordinance, and except as otherwise provided herein.

Section 33. The municipal council shall appoint a municipal manager, a municipal clerk, and a municipal attorney. Any of such offices may be held by the same person. The council may provide for the appointment of other necessary officers and employees, and may create commissions and other bodies with advisory powers. All appointments and removals of personnel, except the municipal manager, shall be made in accordance with the provisions of such merit or civil service system law as may be applicable to such municipality.

Section 34. The municipal council shall continue or create,

and determine and define the powers and duties of, such executive and administrative departments, boards, and officers in addition to those provided for herein, as it may deem necessary for the proper and efficient conduct of the affairs of the municipality. Any department, board, or office so created may at any time be abolished by the municipal council.

Section 35. It is the intention of this chapter of this act that the municipal council shall act in all matters as a body, and it is contrary to the intent of this chapter for any of its members to seek individually to influence the acts of the municipal manager, or any other officer, or to direct or request the appointment of any person to, or his removal from office; or to interfere in any way with the performance by such officers of their duties. The council and its members shall deal with the administrative service solely through the manager and shall not give orders to any subordinate of the manager, either publicly or privately. Nothing herein contained shall prevent the municipal council from appointing committees or commissioners of its own members or of citizens to conduct investigations into the conduct of any officer or department, or any matter relating to the welfare of the municipality, and delegating to such committees or commissions such powers of inquiry as the municipal council may deem necessary. Any councilman violating the provisions of this section shall be disqualified to serve thereafter, and may be removed from his office by an appropriate proceeding brought in a court of competent jurisdiction.

Section 36. The municipal council shall as soon as possible after its organization appoint by a vote of a majority of all its members, a municipal manager at such salary and under such conditions as the municipal council by a majority vote may decide.

Section 37. The manager may designate a qualified administrative officer of the municipality to perform his duties during his temporary absence or disability. In the event of his failure to make such designation, the council may by resolution appoint an officer of the municipality to perform the duties of the manager during such absence or disability until he shall return or his disability shall cease.

Section 38. The municipal manager shall be chosen by the council solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the municipality or state, but during his tenure of office he must reside inside the municipality.

Section 39. The municipal manager shall hold office for an

indefinite term and may be removed by a majority vote of the council. At least thirty days before such removal shall become effective, the council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for his removal. The manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing, if one is requested, and after full consideration, the council by a majority vote of its members may adopt a final resolution of removal. By a preliminary resolution the council may suspend the manager from duty, and shall in any case cause to be paid him forthwith any unpaid balance of his salary and his salary for the next three calendar months following adoption of the preliminary resolution.

Section 40. The municipal manager shall:

(a) Be the chief executive and administrative official of the municipality;

(b) Execute all laws and ordinances applicable within the municipality;

(c) Appoint and remove all heads of administrative departments and all other officers, subordinates and assistants, for whose selection or removal no other method is provided in this chapter, supervise and control his appointees, and report all appointments or removals at the next meeting thereafter of the municipal council, provided that all such appointments and removals are made in accordance with any merit or civil service system law which may be applicable to the municipality;

(d) Negotiate contracts of the municipality subject to the approval of the municipal council, make recommendations concerning the nature and location of municipal improvements, and execute municipal improvements as determined by the municipal council; provided, all contracts of whatever nature for the purchase of materials, equipment, supplies, or other personal property involving more than 100 dollars or less than 2,000 dollars, made by or on behalf of the municipality, shall be let by free and open competitive bidding, on written sealed bids, to the lowest responsible bidder. Provided further that all purchases of 2,000 dollars or more shall be advertised for by publication three successive weeks before the date set for the letting, in a newspaper published in the city, and in any other manner and for such lengths of time as the council may determine. All bids shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together with all documents relating to the award of the contract shall be retained and made a part of a permanent record or file and shall be open to public inspection;

(e) See that all terms and conditions imposed in favor of the municipality or its inhabitants in any statute, public utility franchise, or other contract are faithfully kept and performed, and upon knowledge of any violation call the same to the attention of the municipal council;

(f) Attend all meetings of the municipal council with the right to take part in the discussions, but without the right to vote;

(g) Recommend to the municipal council for adoption such measures as he may deem necessary or expedient, and make reports to the council as requested by it, and at least once a year make an annual report of his work for the benefit of the council and the public;

(h) Investigate at any time the affairs of any officer or department of the municipality;

(i) Perform such other duties as may be required of the municipal manager by ordinance or resolution of the municipal council.

The municipal manager shall in all matters act under the direction and supervision of the municipal council.

Section 41. A municipal budget shall be prepared by the municipal manager. During the month of August in each year the municipal manager shall require the department heads to submit requests for appropriations for the ensuing budget year and to appear before him at public hearings, which shall be held during that month, on the various requests.

Section 42. On or before the fifteenth day of September the municipal manager shall submit to council his recommended budget together with such explanatory comment or statement as he may deem desirable. The budget shall be in such form as may be required by the council, and shall in addition have appended thereto a detailed analysis of the various items of expenditure and revenue. The council shall, where practicable, provide by ordinance for the operation of a system of quarterly allotments for the operation of the budget, and for the development and reporting of appropriate unit costs of budgeted expenditures. The budget shall become effective on the first day of October.

Section 43. In any act or ordinance a provision conferring the appointing power or other power upon the mayor or other executive officer of the municipality shall be construed as meaning the municipal manager in a municipality governed under this chapter of this act, and the appointments or the power exercised by the municipal manager in accordance with such provisions shall be classified and given the same force and effect as if executed by the official named therein.

Section 44. A municipal engineer shall supervise all work by or for the municipality of a technical or engineering nature. He shall, as directed by council, compile and compute the unit cost of all work and services of an engineering or technical nature paid for by the municipality, whether charged to force account or by contract, and shall report thereon annually and at such other times as the mayor or council may require.

Chapter 4

Section 45. A schedule of the installation of an optional plan adopted pursuant to this act shall, as provided herein, take the following course:

(a) An election to submit the question of adoption of an optional plan may be held at any time in accordance with the provisions of chapter 1 of this act;

(b) In the event of a favorable vote of the electors at the election, the judge of probate of the county in which the municipality is situated shall order an election to be held on the eighth Tuesday following such election for the election of the first officers under the adopted plan;

(c) An optional plan shall take effect in accordance with the further provisions of this act, at twelve o'clock noon on the date of expiration of the terms of office of incumbent councilmen or commissioners, or if the incumbents are holding staggered terms, on the expiration of the term which occurs first.

(d) The expense of all elections held hereunder shall be paid by the municipality conducting such elections.

Section 46. Upon the effective date of an optional form of government adopted pursuant to this act, the provisions of this act pertaining thereto shall become applicable to such municipality, and the existing form of government for such municipality shall be abolished. All ordinances and resolutions of the municipality to the extent that they are not inconsistent with the provisions of this act shall remain in full force and effect until modified or repealed as provided by law. All officers and employees of any municipality adopting an optional plan pursuant to this act, except those whose terms of office are abolished by the adoption of such optional plan, shall continue in office until otherwise provided by the municipal council.

Section 47. All actions and proceedings of a legislative, executive, or judicial character which are pending upon the effective date of an optional plan adopted pursuant to this act may continue, and the appropriate officer or employee under such optional plan shall be substituted for the officer or employee theretofore exercising or discharging the function, power, or duty involved in such action or proceeding.

Section 48. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 49. All laws or parts of laws which conflict with this act are repealed.

Section 50. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 6, 1959.

Time: 5:24 P. M.

Act No. 385

S. 366—Rutledge

AN ACT

To provide an additional expense allowance to the judge of the Twenty-fifth Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of the Twenty-fifth Judicial Circuit of Alabama shall be allowed fifteen hundred dollars annually, in addition to all other compensation and allowances heretofore or hereafter provided for by law, for expenses, which allowance shall be payable in equal monthly installments by the counties constituting the circuit, share and share alike.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 6, 1959.

Time: 5:25 P. M.

Act No. 386

S. 399—Samford

AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the City of Auburn, Lee County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Auburn, Lee County, Alabama, be and the same are hereby extended, altered and rearranged so as to include within the

corporate limits of said City all of the following described territory:

Beginning at the northeast corner of the southeast quarter of Section 16, Township 19 North, Range 26 East of the St. Stephens Meridian in Lee County, Alabama; run thence in a southerly direction along the east boundary line of said Section 16, and Section 21 of said Township 19 North, Range 26 East, for a distance of one and one-half miles to the southeast corner of said Section 21; run thence in an easterly direction along the north boundary line of Section 27, Township 19 North, Range 26 East, for a distance of one mile to the northeast corner of said Section 27; run thence in a southerly direction along the east boundary line of said Section 27 for a distance of one mile to the southeast corner of said Section 27; run thence in a westerly direction along the south boundary line of said Section 27 for a distance of one mile to the southwest corner of said Section 27; run thence in a southerly direction along the east boundary line of Section 33 of said Township 19 North, Range 26 East, and along the east boundary of Section 4, Township 18 North, Range 26 East for a distance of one and one-half miles to the southeast corner of the northeast quarter of said Section 4, Township 18 North, Range 26 East; run thence in a westerly direction along the east-west half section lines running through Section 4, Section 5 and Section 6 of said Township 18 North, Range 26 East, and Section 1 and Section 2 of Township 18 North, Range 25 East for a distance of four and one-half miles to the southwest corner of the northeast quarter of said Section 2, Township 18 North, Range 25 East; run thence in a northerly direction along the north-south half section lines running through said Section 2, Township 18 North, Range 25 East, and Section 35, Section 26, Section 23 and Section 14 of Township 19 North, Range 25 East for a distance of four miles to the northwest corner of the southeast quarter of said Section 14, Township 19 North, Range 25 East; run thence in an easterly direction along the east-west half section lines running through said Section 14 and Section 13 of Township 19 North, Range 25 East, and Section 18, Section 17 and Section 16 of Township 19 North, Range 26 East for a distance of four and one-half miles to the northeast corner of the southeast quarter of said Section 16, Township 19 North, Range 26 East, which is the point of beginning, all of said lands lying and being in Lee County, State of Alabama.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective June 1, 1960.

Approved November 6, 1959.

Time: 5:26 P. M.

Act No. 387

S. 404—Givhan

AN ACT

To amend Section 1 of Act No. 486, H. 765, approved July 9, 1943, an act providing for the appointment of a board of trustees to acquire, maintain, and protect certain properties and objects of historical interest located at the first permanent seat of government of the State of Alabama at Cahaba in Dallas County, (General Acts 1943, p. 449), so as to provide for the appointment of two additional members of the board of trustees of the Cahaba Historical Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 486, H. 765, approved July 9, 1943, an act to provide for the appointment of a board of trustees to acquire, maintain, and protect certain properties and objects of historical interest located at the first permanent seat of government of the State of Alabama at Cahaba, Dallas County (General Acts 1943, p. 449), is hereby amended to read as follows:

"Section 1. That a Board of Trustees to be known as the Cahaba historical commission be and the same is hereby authorized to be appointed by the Governor for the purpose of acquiring, maintaining, and protecting certain properties and objects of historical interest at the first permanent seat of government of the State of Alabama at Cahaba in Dallas County, Alabama. Said Board shall be composed of five members. All members shall serve for terms of four years. The three members presently constituting the Board shall continue in office as members of the Board until their respective terms expire as heretofore provided. Immediately after this Act takes effect, the Governor shall appoint two additional members, one for a term of two years and one for a term of four years. Their successors shall be appointed for terms of four years each. Such trustees shall serve without compensation other than payment of a per diem allowance and actual reasonable travel expenses in attending meetings of the Board or in performing any actual service under the direction of the Board. Such expenses shall be payable out of the appropriation herein made, upon warrant of the Comptroller, after the account for such expenses has been approved by the Board of Trustees and by the Governor."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 6, 1959.
Time: 5:28 P. M.

Act No. 388

S. 418—Caffey

AN ACT

To amend Section 1 of the Act of the Legislature approved on the 9th day of August, 1949, General and Local Acts, 1949, Page 536, entitled: "To provide funds for the maintenance and expansion of the public libraries in Mobile County and to provide for the extension of the services of the Mobile Public Library to include the rural and municipal areas of the County not now being served by the Mobile Public Library."

Be It Enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue and Road Commissioners of the County of Mobile, commencing on October 1, 1960, and until September 30, 1962, shall pay annually out of the general fund of such county to the board, commission or other governing body duly constituted by public law, of each public library situated in any incorporated town or city, sums at least equal to Fifteen Cents (\$.15) per capita of the population of Mobile County, in such manner as to pay to each public library situated in any incorporated town or city other than the county seat, Fifteen Cents (\$.15) per capita of the population of each such incorporated town or city and to the board, commission or other governing body duly constituted by public law of each public library situated in the county seat of such county, Fifteen Cents (\$.15) per capita of the population of such incorporated town or county seat together with Fifteen Cents (\$.15) per capita of the population of other parts of the county other than incorporated towns maintaining public libraries. That commencing October 1, 1962 and thereafter, said sum of Fifteen Cents (\$.15) shall be increased to Sixteen Cents (\$.16).

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 6, 1959.

Time: 5:30 P. M.

Act No. 389

S. 428—Jones

AN ACT

To alter, rearrange and describe the boundary lines and corporate limits of the City of Alexander City, Tallapoosa County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That from and after the passage and approval of this act the boundary line and corporate limits of Alexander City, Tallapoosa County, Alabama are extended, altered and rearranged so as to include in the corporate limits of the City of Alexander City, Tallapoosa County, Alabama all the property

within the following described boundary, to-wit: Begin at the southwest corner of Section 12, T/S 22 N, Range 21 E Tallapoosa County, Alabama; thence run east along the southern boundary of said section to the southeast corner of said section; thence north along the east boundary line of said Section 12, and Section 1, T/S 22 N, Range 21 E to a point where said section line intersects the north property line of the Central of Georgia Railroad; thence run in northwesterly direction along said right of way line to a point 10 feet south of the northern boundary line of Section 2, T/S 22 N, Range 21 E; thence west to a point 10 feet west of the west right of way line of the Central of Georgia Railroad; thence run northwest paralleling the western right of way line of said railroad to a point in the center of Sixth Street, Alexander City, Alabama; thence run in a westerly direction along the center line of Maple Street a distance of 517 feet to the intersection with the center line of Iris Avenue; thence westerly along the center line of Iris Avenue a distance of 1164 feet to the intersection with the center line of Pine Street; thence northeasterly along the center of Pine Street to intersection with center line of Lakeland Avenue; thence run in a northeasterly direction 796 feet to iron corner on the west right of way line of the Central of Georgia Railroad; thence run in a southeasterly direction along the west property line of said railroad to a point where the said west right of way line intersects the northern boundary of Section 2, T/S 22 N, Range 21 E; thence east along the northern boundary of said section 2, distance of 500 feet to a corner; thence S. 710 feet to a point which is 10 feet North of the easterly property line of the Central of Georgia Railroad right of way; thence run in a southeasterly direction paralleling the right of way of the Central of Georgia Railroad to a point on the eastern boundary of Section 1, T/S 22 N, Range 21 E; thence North along the east boundary of said section 1 to the Northeast corner of said section; thence West along the North boundary of said section 1 to the Northwest corner of the Northeast quarter of Section 1, T/S 22 N, Range 21 E; thence North along the half section line of section 36, T/S 23 N, Range 21 E to the Northwest corner of the Southeast quarter of said section; thence East 1320 feet; thence North along the forty line 2640 feet to the North side of said section; thence West 660 ft.; thence N. 1320 feet; thence West 660 feet to the Northwest corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ section 25, T/S 23 N, Range 21 East; thence North along the half section line to the NW corner of the NE $\frac{1}{4}$ of Section 24, T/S 23 N, Range 21 E; thence West along the North Boundaries of Sections 24 and 23 to the NW corner of Section 23, T/S 23 North, Range 21 E; thence South along the West boundary of said section 23 to the SW corner of the NW $\frac{1}{4}$ of said section 23; thence West along the half section line of Sections 22, 21, 20, and 19, T/S 23 N, Range 21 E to the NW corner of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 19, T/S 23 N, Range 21 E; thence due South through Sections 19, 30, and 31 T/S 23 N, Range 21 East and Sec-

tions 6 and 7 T/S 22 N, Range 21 East to the SW corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 7, T/S 22 N, Range 21 E; thence East along said forty line to where the same intersects the West right of way line of Alabama Highway # 22, known as the Rockford Road; thence run in a northeasterly direction along the said right of way line of Alabama Highway # 22 to the point where the same intersects the center line of Old Russell Road; thence NE along the said Highway right of way 1080 feet to a point; thence in a northwesterly direction paralleling Mira Road, and 150 feet from the center line thereof, to a point 10 feet south of southwestern right of way line of the Central of Georgia Railroad; thence run northwesterly parallel with said railroad right of way to a point on the center line of Mira Road, formerly U.S. 241 By-Pass Road, thence run SW at right angles to the said railroad right of way a distance of 500 feet to a point; thence run in a northwesterly direction parallel with the right of way of the Central of Georgia Railroad a distance of 4800 feet to a point; thence make a 90 degree turn to the right and run 510 feet to a point on the western right of way line of the Central of Georgia Railroad; thence run in southerly direction following the west and south right of way line of the Central of Georgia Railroad to a point where the same intersects the center line of Elkahatchee Street; thence South 30 degrees 19' East along center of Elkahatchee Street a distance of 183.55 feet thence continuing along the center line of Elkahatchee Street South 22 degrees 35' East 133.4 feet and South 10 degrees 10' East 90.2 feet and South 5 degrees 4' East 1408.6 feet and South 6 degrees 10' East 860 feet to a corner; thence run South 87 degrees 11' West a distance of 702.4 feet to a point; thence South 85 degrees 16' West 546.6 feet to a point; thence South 87 degrees 44' West 643.87 feet to a point thence North 86 degrees 52' West a distance of 188.22 feet to a point and the center of the New (1959) Russell Road; thence South 51 degrees 07' West along said road a distance of 981.27 feet to a point; thence south 88 degrees 2' West a distance of 1061.65 feet to the intersection of New Russell Road with Old Highway 241 By-Pass; thence South 6 degrees 31' East a distance of 191.2 feet to the east right of way line of U.S. Highway 280 By-Pass; thence North 49 degrees 15' West along said By-Pass 579.9 feet to its intersection with the South right of way line of Alabama Highway # 22; thence in a southwesterly direction along the right of way of said Highway # 22 to its intersection with the south boundary line of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 7, T/S 22 N, Range 21 East; thence run East along said forty line and across Section 8, 9, and 10 to the Southwest corner of the Northwest quarter of the Northwest quarter of Section 11, T/S 22 N, Range 21 East; thence South along the West boundary of Section 11, T/S 22 N, Range 21 E to the southwest corner of said section; thence run East along the southern boundary of said section 11 to the point of beginning.

Section 2. That all laws and parts of laws, both general, spe-

cial and local, in conflict with this Act, be and the same are hereby repealed.

Section 3. That this Act shall go into effect immediately upon its approval by the Governor.

Approved November 6, 1959.

Time: 5:31 P. M.

Act No. 390

S. 434—Caffey

AN ACT

To require the tax collector of Mobile County to charge and collect the same fees, and to deduct from taxes collected by him the same commissions that are prescribed by the general law as compensation for tax assessors and tax collectors and to pay all such fees and commissions into the county treasury of Mobile County; and to repeal Act No. 241, H. 401 and Act No. 242, H. 473 of 1935 (Local Acts of Alabama of 1935, pages 139 and 141, respectively) and Section 1 of Act No. 191, H. 634 of 1955 (Acts of Alabama of 1955, page 476).

Be It Enacted by the Legislature of Alabama:

Section 1. The tax collector of Mobile County shall, in the manner prescribed by the general law, charge and collect all fees and compute and deduct from the taxes collected by him all commissions which tax collectors are authorized and directed by the general law to charge and collect, or compute and withhold, by reason of any official act or for the performance of any service directly or indirectly connected with the offices of tax assessor and tax collector, and he shall pay all such fees and commissions collected by him into the county treasury of Mobile County.

Section 2. Act No. 241, H. 401, approved August 15, 1935 (Local Acts of Alabama of 1935, page 139); Act No. 242, H. 473 approved August 15, 1935 (Local Acts of Alabama of 1935, page 141); and Section 1 of Act No. 191, H. 634, approved July 29, 1955 (Acts of Alabama of 1955, page 476) are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 6, 1959.

Time: 5:32 P. M.

Act No. 391

S. 440—Crawford

AN ACT

To provide for the establishment and operation of a public clinic in the municipality of Uniontown, Perry County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Perry County Hospital Board, a public hospital corporation incorporated under the provisions of Act No. 46, Regular Session 1949, an agency of Perry County, with the approval and consent of the court of county commissioners, board of revenue, or other like governing body of the county, may use the proceeds of the special county hospital tax levied by the county for hospital purposes, or so much thereof as may be necessary, for the purpose of constructing or acquiring by purchase, lease or otherwise, a public health clinic or like public health facilities, to be located and established in the municipality of Uniontown. The corporation may also enter into such contracts or agreements with the council, commission, or other like governing body of the municipality of Uniontown as it may consider necessary to provide for the proper operation, repair, and maintenance of such clinic or facilities by the municipality itself or by its duly authorized agents, representatives, or contractees.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 6, 1959.

Time: 5:33 P. M.

Act No. 392

S. 441—Crawford

AN ACT

To alter, rearrange, and extend the boundaries and corporate limits of the Town of Brent, Bibb County, Alabama, so as to annex certain territory to the Town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the Town of Brent, Bibb County, are hereby altered, rearranged, and extended so as to include within the corporate limits of the town the following described territory, to-wit:

Beginning at a pipe monumenting the Southeast corner of the Northeast quarter of Section 34, Township 23 North, Range 9 East, St. Stephens Meridian, Bibb County, State of Alabama, and run thence Westerly with the half section line through said

section 34 a distance of 3958 feet, more or less, to the Northeast corner of the Northwest quarter of the Southwest quarter of said section 34; thence run in Southwesterly direction, in a straight line, a distance of 4760 feet, more or less, to the Northeast corner of the Northwest quarter of Section 4, Township 22 North, Range 9 East, St. Stephens Meridian; thence run in a Southwesterly direction in a straight line, a distance of 2905 feet, more or less, to the Southeast corner of the North half of the Northeast quarter of the Southeast quarter of Section 5, Township 22 North, Range 9 East; thence run in a Southerly direction with the East boundary of said section 5, a distance of 1980 feet, more or less, to a steel axle monumenting the Southeast corner of said section 5; thence run in a westerly direction with the South boundary of said section 5 a distance of 3100 feet, more or less, to the center line tangent of State Highway No. 5 as now located; thence run in a Northwesterly direction, in a straight line, a distance of 2100 feet, more or less, to the Northwest corner of the South half of the Northeast quarter of the Southwest quarter of said section 5; thence run in a Northeasterly direction, in a straight line, a distance of 4665 feet, more or less, to a point on the South Boundary of section 32, Township 23 North, Range 9 East and 660 feet West of the Southeast corner of said section 32; thence run in a Northeasterly direction, in a straight line, 6230 feet, more or less, to the Southwest corner of the Southeast quarter of section 28, Township 23 North, Range 9 East; thence run in a Northerly direction with the half section line through said section 28 a distance of 2640 feet, more or less, to the center thereof; thence run easterly with the half section line through said section 28 a distance of 1320 feet, more or less, to the Southwest corner of the East half of the Northeast quarter of said section 28; thence in a Northerly direction with the West boundary of the said East half of the Northeast quarter of said section 28, a distance of 2640 feet, more or less, to the Northwest corner thereof; thence run in an Easterly direction with the North boundary of said section 28 a distance of 1320 feet, more or less, to a pipe monumenting the Northeast corner of said section 28; thence run in a Southerly direction with the East boundary of said section 28, a distance of 1320 feet, more or less to the Northwest corner of the South half of the Northwest quarter of section 27 of said Township 23 North, Range 9 East; thence in an Easterly direction with the North boundary of the said South half of the Northwest quarter of said section 27 a distance of 2640 feet, more or less, to the Northeast corner thereof; thence in a Southerly direction with the East boundary of the said South half of the Northwest quarter of the said section 27 to the Southeast corner thereof; thence run Easterly with the half section line through said section 27, a distance of 2640 feet, more or less, to the Southeast corner of the Northeast quarter of said section 27; thence run in a northerly direction with the West boundary of

section 26, Township 23 North, Range 9 East, a distance of 458 feet, more or less, to a concrete post monumenting a Southwest corner of lands now owned by Virgis M. Ashworth; thence South 72 degrees and 17 minutes East with the line of the lands of the said Virgis M. Ashworth, a distance of 648.3 feet, more or less, to a concrete post; thence South 19 degrees and 50 minutes East with the line of the land of the said Virgis M. Ashworth, a distance of 290 feet, more or less, to a point in U. S. Highway No. 82 and State Highway No. 5 and on the East-West half section line through said section 26; thence Easterly with the said half section line through said section 26, a distance of 579.7 feet to a point in the said U. S. Highway No. 82 and State Highway No. 5 and 18.4 feet North of the center line thereof and said point being 3932 feet West from the Southeast corner of the Northeast quarter of said section 26; thence South 00 degrees and 32 minutes West a distance of 1197 feet to a point marked by a steel rod; thence Northwesterly, in a straight line, a distance of 1259 feet, more or less, to a concrete post marking a corner of lands now owned by Jessie Dean Young and Mary Young; thence South approximately one degree West a distance of 1788 feet, more or less, to a pipe marking the Southeast corner of section 27, Township 23 North, Range 9 East, and which said pipe is 24.5 feet South of the center-line of the Gulf, Mobile and Ohio Rail Road center line tangent; thence run southerly with the East boundary of section 34, Township 23 North, Range 9 East a distance of 2641.6 feet, more or less, to the point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 6, 1959.

Time: 5:34 P. M.

Act No. 393

H. 909—Franklin

AN ACT

Proposing an amendment to the Constitution of Alabama relating to the levying of special property taxes in Coosa County for school purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become a part of the Constitution when approved and proclaimed as prescribed by law:

Proposed Amendment

The several school districts of Coosa County shall have power to levy and collect a special district school tax not exceeding

fifty cents on each one hundred dollars worth of taxable property in such district, provided the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the district and voted for by a majority of those voting at such election. The special district tax authorized by this amendment shall be in addition to all other school district taxes authorized by law. The election provided for herein shall be called, held, conducted, paid for, and governed otherwise in the manner provided by law for elections on the special county school tax authorized in Amendment III to the constitution. The revenue derived from the tax shall be used exclusively for the support and furtherance of education and for constructing and equipping school buildings and acquiring sites therefor.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House October 13, 1959.

Passed the Senate November 6, 1959.

Act No. 394

H. 1042—Smith (St. Clair)

AN ACT

Proposing an amendment to the Constitution of Alabama relative to the costs and charges of courts in St. Clair County and the compensation of certain officers of St. Clair County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

Proposed Amendment

"The Legislature may from time to time, by general or local

laws, fix, alter, and regulate the costs and charges of courts in St. Clair County and the fees, commissions, percentages, allowances, and salary, including the method or basis of their compensation, to be charged or received by the judge of probate, sheriff, tax assessor, tax collector, register, circuit clerk, and any other officer of St. Clair County, including the right to place any of such officers on a salary and provide for the fees charged or collected by them to be paid into the treasury from which their salaries shall be paid."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House October 27, 1959.

Passed the Senate November 6, 1959.

Act No. 395

S. 287—Graham and Jones

AN ACT

To provide for two judges of the Nineteenth Judicial Circuit of Alabama, prescribe their qualifications, and provide for their election or appointment and their compensation, jurisdiction, authority, powers, and duties.

Be It Enacted by the Legislature of Alabama:

Section 1. When an additional judge is elected and takes office as provided in Section 3 there shall be two judges of and for the Nineteenth Judicial Circuit of Alabama, but both judges shall not be residents and qualified electors of the same county in the circuit. Such judges shall have been citizens of the United States and of this State for five years and of the county for one year next preceding their election or appointment. They shall be not less than twenty-five years of age and shall be learned in the law. Their offices shall be designated as follows: The office held by the incumbent judge of the Nineteenth Judicial Circuit shall be circuit judge No. 1, and the additional judge

provided for by this Act shall be circuit judge No. 2. The judges shall be elected at the time appointed by law for the election of other circuit judges in the state, and shall hold office for six years from the first Monday after the second Tuesday in January next following their election. The two judges shall alternate in presiding over the several law courts of the circuit.

Section 2. The additional judge of the Nineteenth Judicial Circuit provided for by this Act shall be entitled to the same compensation as the present judge, which shall not be diminished during the term. The judges of the Nineteenth Judicial Circuit shall have and exercise all the jurisdiction, powers, rights and authority, and shall perform all the duties of other circuit judges in the state, and shall be liable to all the pains and penalties of circuit judges as prescribed by general laws.

Section 3. Circuit judge No. 2 as provided for in this Act shall first be elected at the next general election for any state officer for a term to expire at the next general election for circuit judges. His successor shall be chosen at such election and shall hold office until his successor is elected and qualified and takes office as provided in Section 1 of this Act.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Approved November 12, 1959.

Time: 1:30 P. M.

Act No. 396

S. 427—Dumas

AN ACT

To propose an Amendment to the Constitution of Alabama to provide that the making and collection of mortgage loans in Alabama by non-residents solely through the Agency of loan brokers duly licensed as Mortgage Loan Brokers under the laws of Alabama, and maintaining a place of business in the State of Alabama, shall not constitute doing business in Alabama by such non-resident lender, but subjecting such non-resident lender to process in Alabama for the purpose of determining any question concerning such loans.

Be It Enacted by the Legislature of Alabama:

Section 1. The following Amendment to the Constitution of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State upon such proposed Amendment to be held at the next general State Election to be held in Alabama at which said Amendment shall be voted upon.

The proposed Amendment is as follows:

Section 1. Any corporation which is not organized under the laws of this State and has no place of business in this State may take and hold mortgages on real property located within this State, deposit the proceeds thereof in a bank account, or bank accounts, in this State, collect the debts secured thereby and may appoint a custodian or collection agent, who must be duly licensed under the laws of this State, to engage in the business of Mortgage Loan Broker, to hold for such non-resident such securities, collect such debts, manage any property acquired by foreclosure thereof, sell and dispose of any property acquired by foreclosure thereof and enforce the provisions of such mortgages and no such foreign corporation shall be deemed to be doing business in this State solely by reason of doing any or all of the acts designated herein; provided, however, that any custodian or agent appointed under the provisions of this Amendment by any such foreign corporation shall pay all applicable municipal license taxes and shall pay an occupational license tax as Mortgage Loan Broker to the State of Alabama of One Hundred Dollars (\$100.00) for the first year that such Broker represents each such foreign corporation and Five Dollars (\$5.00) annually for representing each such foreign corporation thereafter. Any foreign corporation which engages in any of the acts prescribed in this Section may sue or be sued in this State in relation to any such mortgages held by it, or real property, securities or debts acquired by it and service of process may be perfected upon such foreign corporation by service upon any resident licensed Mortgage Loan Broker appointed as custodian or agent by such corporation in this State.

Section 2. No foreign corporation, which does no other acts in this State than those provided in Section 1 hereof, shall be required to pay any franchise tax, qualification fee, permit fee, nor shall it be required in any other way to qualify to do business in this State.

Section 3. This Amendment shall be self-executing, but the Legislature may, by General Act, make provision for enforcement thereof and provide penalties for the violation thereof.

Section 2. Notice of the election hereby ordered, together with the Amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper, once a week in each County in the State for at least eight successive weeks next preceding the date hereby appointed for such election.

Section 3. At the election ordered to be held as hereby provided the qualified electors shall vote on said proposed Amend-

ment and on the official ballot printed for such election there shall be printed the following, viz:

"Shall the following be adopted as Article _____ of the Constitution of Alabama.

"Section 1. Any corporation which is not organized under the laws of this State and has no place of business in this State may take and hold mortgages on real property located within this State, deposit the proceeds thereof in a bank account, or bank accounts, in this State, collect the debts secured thereby and may appoint a custodian or collection agent, who must be duly licensed under the laws of this State, to engage in the business of Mortgage Loan Broker, to hold for such non-resident such securities, collect such debts, manage any property acquired by foreclosure thereof, sell and dispose of any property acquired by foreclosure thereof and enforce the provisions of such mortgages and no such foreign corporation shall be deemed to be doing business in this State solely by reason of doing any or all of the acts designated herein; provided, however, that any custodian or agent appointed under the provisions of this Amendment by any such foreign corporation shall pay all applicable municipal license taxes and shall pay an occupational license tax as Mortgage Loan Broker to the State of Alabama of One Hundred Dollars (\$100.00) for the first year that such Broker represents each such foreign corporation and Five Dollars (\$5.00) annually for representing each such foreign corporation thereafter. Any foreign corporation which engages in any of the acts prescribed in this Section may sue or be sued in this State in relation to any such mortgages held by it, or real property, securities or debts acquired by it, and service of process may be perfected upon such foreign corporation by service upon any resident licensed Mortgage Loan Broker appointed as custodian or agent by such corporation in this State.

"Section 2. No foreign corporation, which does no other acts in this State than those provided in Section 1 hereof, shall be required to pay any franchise tax, qualification fee, permit fee, nor shall it be required in any other way to qualify to do business in this State.

Section 3. This Amendment shall be self-executing, but the Legislature may, by General Act, make provision for enforcement thereof and provide penalties for the violation thereof.

"Yes.....

"No....."

The choice of the elector shall be indicated by cross-mark made by him under his direction opposite the word expressing his desire or in precincts where voting machines are legally

used, his desire shall be indicated in the usual way by use of the voting machine.

Section 4. The officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing general elections and the constitutional provisions concerning amendments to the constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the Secretary of State, and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Constitutional Amendment.

Passed the Senate November 5, 1959.

Passed the House November 12, 1959.

Act No. 397

H. 190—Franklin, Boyd, Thomas, Grouby, Lee, Johnson (Tallapoosa), Solomon, Camp, Goodwyn, Perry, Cook, Nichols, Ingram, Adams (Houston), Oakley, Hardy, Gilmer, Johnson (Hardaway), Johnston, Hanby, Martin, Shumate, Turnham, Nettles, Dickson, Chambers, Long (Lauderdale), Hawkins, Edwards, Torbert

AN ACT

To propose an amendment to the Constitution forbidding enactment of a law placing responsibility for construction and maintenance of county roads in the State Highway Department or other state agency unless authorized by a vote of the qualified electors of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved and proclaimed as prescribed by law.

Proposed Amendment.

"The Legislature shall not hereafter by general, special or

local law authorize the State Highway Department or any other agency of the State of Alabama, other than a court of county commissioners, board of revenue or like county governing body, to assume responsibility for the construction, repair, or maintenance of all county roads or bridges within a county unless the assumption of such responsibility by the State Highway Department or other agency shall be approved by a vote of the duly qualified electors of the county in which such roads lie at an election held for such purpose, in the manner that may be prescribed by law. Provided, the State Highway Department, or other state agency may engage in the construction, repair or maintenance of a county road or bridge upon written agreement signed by the director and a majority of the members of the county governing body; and provided further that the Legislature is not prohibited from authorizing the highway director or other state agency to designate certain routes or roads within a county as a part of the state highway system."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House October 6, 1959.

Passed the Senate November 12, 1959.

Act No. 398

H. 1001—Murphy, Hocklander

AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Mobile County to issue its general obligation bonds not exceeding \$3,000,000 in principal amount for capital improvements in said county, including not exceeding \$1,000,000 principal amount for public school houses and not exceeding \$2,000,000 principal amount for public hospital buildings, said bonds to be secured by a pledge of the special ad valorem tax provided for in Amendment XVIII to said constitution, and authorizing the continued levy and collection of said tax for payment of bonds issued hereunder.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

Mobile County is hereby authorized to issue its bonds not exceeding \$3,000,000 in principal amount for the purpose of acquiring, providing, and constructing capital improvements in the county of which not exceeding \$1,000,000 aggregate principal amount shall be issued to pay the costs of acquiring, providing, and constructing public school houses in the county and of which not exceeding \$2,000,000 aggregate principal amount shall be issued to pay the costs of acquiring, providing, and constructing public hospital buildings in the county; provided, that the aggregate principal amount of any series of bonds at any time issued hereunder, when added to the aggregate principal amount of all bonds then outstanding that are payable from or secured by the special annual ad valorem tax authorized in Amendment XVIII of the Constitution of Alabama, shall not exceed six and one-half per centum ($6\frac{1}{2}\%$) of the assessed valuation of the taxable property situated in said county, as assessed for state taxation for the state tax year next preceding the issuance of such bonds hereunder; provided, further, that any bonds may be issued hereunder only after the question of the issuance of such bonds shall have been submitted to the qualified electors of Mobile County at an election called for that purpose by the governing body of said county, at which a majority of said qualified electors voting at said election shall have voted in favor of the issuance of such bonds, any such election to be called, held, conducted, and canvassed, and notice thereof to be given, in the manner provided by the then existing general laws of Alabama with respect to elections on the issuance of bonds by counties; provided, however, that if a majority of the qualified electors of Mobile County participating in the election on the adoption of this constitutional amendment shall vote for adoption of this amendment, then the approval of this constitutional amendment expressed by the said vote in favor of its adoption shall of itself authorize the issuance of the bonds provided for herein and in that event no additional election by the voters of Mobile County shall be required to authorize the issuance of said bonds. In the event that the majority vote at any election held hereunder is not in favor of the issuance of the bonds proposed at such election, the governing body of Mobile County may from time to time call other elections hereunder on the issuance of such bonds but not more than one such election shall be held during any period of twelve months.

The bonds issued hereunder shall be general obligations of Mobile County secured by a pledge of its full faith and credit, and in addition thereto, the governing body of said county

shall in the proceedings providing for the issuance of such bonds specially pledge for payment of the principal thereof and the interest thereon, at the respective maturities of such principal and interest, so much as may be necessary for said purpose of the said special tax, each such pledge to be on a parity with all valid pledges of said special tax at any time made, to such extent as shall not impair the obligation of then existing valid pledges. The principal of each series of said bonds shall mature in annual installments, the first of which installments shall mature not later than three (3) years after the date of the bonds of said series and the last of which shall mature not later than thirty (30) years after the date of the bonds of said series; provided, that the maturities of each series of bonds issued hereunder shall be so arranged at the time of the issuance of such series of bonds that (a) no annual installment of principal of the bonds of such series maturing during any fiscal year of said county shall be more than four times as great as the smallest installment of principal of any series of bonds maturing during any prior fiscal year, and (b) the aggregate amount of principal and interest that will mature in any one fiscal year with respect to that series of bonds, and all other bonds then outstanding that are payable out of or secured by a pledge of the aforesaid special tax, shall not exceed the amount of the proceeds collected from the said tax during the then next preceding tax year. Except as herein otherwise provided, all bonds issued hereunder shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the issuance of such bonds respecting the sale, execution, issuance, and redemption of bonds by counties.

For payment of the principal of and interest on any bonds that may be issued hereunder, and so long as any of said principal and interest remains unpaid, the governing body of Mobile County is hereby authorized to continue the levy of the said special annual ad valorem tax provided for in said Amendment XVIII at such rate as may be sufficient to pay such principal and interest at their respective maturities; provided, that the total rate of said special tax that may be levied and collected for payment of said bonds and all other bonds payable out of or secured by a pledge of said tax, shall not exceed one-half of one per centum ($\frac{1}{2}$ of 1%) of the assessed valuation of taxable property in the county.

The provisions of this amendment shall be self-executing, and authorization from or other action by the legislature shall not be a prerequisite to the issuance of bonds hereunder or the levy of said special tax for payment thereof.

Section 2. An election upon the proposed amendment is hereby ordered to be held on the first Tuesday following the

expiration of three months after the final adjournment of this Session of the Legislature of Alabama. At the said election the qualified electors shall vote on said proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?", after which there shall be set forth the substance or subject matter of the amendment proposed in Section 1 of this act, and after which there shall be printed the word "yes" and immediately under that word there shall be printed the word "no". Space shall be provided on each ballot for the elector to indicate his choice by a cross mark opposite the word expressing his choice.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in a newspaper in each county in the State once a week for four successive weeks next preceding the day herein appointed for the election, and in any county in which there may be no newspaper published the notice shall be posted at each courthouse therein. The expenses of the election shall be paid out of the State Treasury. There is hereby appropriated out of the General Fund of the State such sum as may be necessary to defray the expenses of the election.

Constitutional Amendment.

Passed the House November 5, 1959.

Passed the Senate November 12, 1959.

Act No. 399

H. 1000—Murphy, Hocklander

AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama amending Amendment XVIII to said constitution, which pertains to Mobile County and the issuance of bonds and the levy of an ad valorem tax by said county for certain specified purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

"Amendment XVIII to the Constitution of Alabama shall be and hereby is amended so that the said Amendment XVIII shall read as follows:

Amendment XVIII. Mobile County may at any time and from time to time issue its bonds for construction and improvement, or either, of hard surfaced roads, hard surfaced bridges, and surface water drainage facilities, or any thereof, in said county and, to provide for payment of the principal of and interest on such bonds, may levy and collect a special annual ad

valorem tax on the taxable property in said county at a rate not exceeding one-half of one per centum ($\frac{1}{2}$ of 1%) of the assessed valuation of the taxable property in said county; provided, that the total principal amount of each series of bonds at any time issued hereunder, when added to the principal amount of all then outstanding bonds theretofore issued hereunder and of all then outstanding bonds theretofore issued under any other constitutional amendment that are payable from or secured by the said special tax, shall not exceed six and one-half per centum ($6\frac{1}{2}\%$) of the assessed valuation of the taxable property situated in said county, as assessed for state taxation for the then preceding state tax year; provided, further, that the rate of the said special tax levied for payment of the bonds at any time issued hereunder and all other bonds at any time issued pursuant to any other constitutional amendment and payable out of or secured by said special tax shall not exceed said rate of one-half of one per centum ($\frac{1}{2}$ of 1%) hereinabove specified; and provided, further, that any bonds may be issued hereunder and said special tax for payment thereof may be levied and collected only after a majority of the qualified electors of said county voting at an election called for that purpose by the governing body of said county shall have voted in favor of the issuance of such bonds and the levy of such tax therefor. Each such election shall be called, held, conducted, and canvassed, and notice thereof shall be given, in the manner provided by the general laws of Alabama respecting elections on the issuance of bonds by counties, as such laws may exist at the time such election is called; provided, that prior to the holding of any election hereunder, the governing body of Mobile County shall cause to be prepared engineering maps and reports respecting the proposed work on roads, bridges and drainage facilities, or any thereof, shall adopt a resolution containing a brief description, including the name if any, of each proposed item of construction or improvement, a statement of the length or location of each such item and of the estimated cost thereof, and a statement of the total amount of the bonds proposed to be issued for all work of construction or improvement described in said resolution, and shall cause said resolution to be published in a newspaper published in the county one time not less than thirty days before such election. Any number of items of construction or improvement may be described in one resolution; and the question of the issuance of bonds and the levy and collection of said tax with respect to all of the work described in each resolution shall be submitted to the voters in one single proposition at any election held hereunder. Any number of such resolutions may be adopted on the same day, and any number of propositions may be submitted to the voters on the same day. Each engineering report prepared in accordance with the provisions hereof shall be accompanied by a certificate

of the engineer preparing such report that the material proposed to be used for any road or bridge work described in such report meets the then existing specifications of the Alabama Highway Department applicable to the same type of construction or improvement.

The limitation of six and one-half per centum ($6\frac{1}{2}\%$) of the assessed value of taxable property in the county, hereinabove provided for, is applicable only to the amount of bonds that may be outstanding immediately following the delivery of each series of bonds issued hereunder and shall not restrict the total amount of bonds that may be from time to time issued hereunder.

The bonds issued hereunder shall be general obligations of Mobile County secured by a pledge of its full faith and credit, and in addition thereto, the governing body of said county shall in the proceedings providing for the issuance of such bonds specially pledge for payment of the principal thereof and the interest thereon, so much of the said special tax as may be necessary to pay said principal and interest at their respective maturities. Each such pledge of the special tax made for the benefit of the bonds issued hereunder shall be on a parity with all valid pledges of said special tax theretofore or thereafter made for the benefit of bonds issued hereunder or under any other constitutional amendment, to such extent as shall not impair the obligations of any then existing valid pledges. The principal of each series of said bonds shall mature in annual installments, the first of which installments shall mature not later than three (3) years after the date of the bonds of said series and the last of which shall mature not later than thirty (30) years after the date of the bonds of said series; provided, that the maturities of each series of bonds issued hereunder shall be so arranged at the time of the issuance of such series of bonds that (a) no annual installment of principal of the bonds of such series maturing during any fiscal year of said county shall be more than four times as great as the smallest installment of principal of any series of bonds maturing during any prior fiscal year, and (b) the aggregate amount of principal and interest that will mature in any one fiscal year with respect to that series of bonds, and all other bonds then outstanding that are payable out of or secured by a pledge of the aforesaid special tax, shall not exceed the amount of the proceeds collected from the said tax during the then next preceding tax year. Except as herein otherwise provided, all bonds issued hereunder shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama respecting the sale, execution, issuance, and redemption of bonds by counties, as such laws may exist at the time of the delivery of such bonds.

The provisions of this amendment shall be self-executing, and

the enactment of local legislation shall not be a prerequisite to the taking of any action hereunder by the said county and its governing body; and no local legislation at any time adopted with respect to this amendment shall be effective, and all such local legislation is hereby repealed.

Section 2. An election upon the proposed amendment is hereby ordered to be held on the first Tuesday following the expiration of three months after the final adjournment of this Session of the Legislature of Alabama. At the said election the qualified electors shall vote on said proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?", after which there shall be set forth the substance or subject matter of the amendment proposed in Section 1 of this Act, and after which there shall be printed the word "yes" and immediately under that word there shall be printed the word "no". Space shall be provided on each ballot for the elector to indicate his choice by a cross mark opposite the word expressing his choice.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in a newspaper in each county in the State once a week for four successive weeks next preceding the day herein appointed for the election, and in any county in which there may be no newspaper published the notice shall be posted at each court house therein. The expenses of the election shall be paid out of the State Treasury. There is hereby appropriated out of the General Fund of the State such sum as may be necessary to defray the expenses of the election."

Constitutional Amendment.

Passed the House November 5, 1959.

Passed the Senate November 12, 1959.

Act No. 400

S. 350—Wilson, Eddins

AN ACT

To make an appropriation from the state treasury for the relief of Hallie S. Chapman.

Preamble

WHEREAS Hallie S. Chapman, a long-time member of the State Highway Patrol was partially and permanently disabled as a result of injuries suffered by him while performing the duties of his employment, and as a proximate consequence thereof has suffered great mental and physical pain and anguish; and

WHEREAS the said Hallie S. Chapman has a just claim for compensation or damages against the State of Alabama but has no recourse at law to recover the same; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of two thousand five hundred dollars (\$2,500) is hereby appropriated from any funds in the state treasury not otherwise appropriated, for the relief of Hallie S. Chapman. The comptroller is hereby directed to draw a warrant on the state treasurer for such sum in favor of said Hallie S. Chapman, and the state treasurer is hereby directed to pay the same upon due presentation thereof. Payment of said appropriation shall constitute full and complete satisfaction of the claim of said Chapman against the State of Alabama for the injuries suffered by him as aforesaid.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 9:07 A. M.

Act No. 401

H. 963—Ray

AN ACT

To amend Section 4 of the act approved August 16, 1955 establishing the law and equity court of Winston County (Act No. 242, H. 101, Acts of Alabama 1955, Vol. I, pp. 553, 555) so as to provide for the collection of trial fees in such court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of the act approved August 16, 1955 establishing the law and equity court of Winston County (Act No. 242, H. 101, Acts of Alabama 1955, Vol. I, pp. 553, 555) is hereby amended to read as follows:

"Section 4. The clerk of the circuit court of the county shall be by virtue of his office clerk of the Law and Equity Court of Winston County hereby established, and shall have the same powers and discharge the same duties as clerks of the circuit courts. He shall be subject to the same pains and penalties with regard to the duties of the office and shall be entitled to the same fees, commissions and emoluments as are now or as may hereafter be allowed to circuit clerks of Alabama, which shall be collected as such fees and commissions are collected in the circuit courts, except that in civil matters where suit is brought for one hundred dollars (\$100.00) or less, only the fees and commissions allowed by law to justices of the peace shall be collected. The register of the circuit court in equity shall by virtue of his office

be the register of the Law and Equity Court of Winston County, and shall have the powers and discharge the duties which shall devolve upon the register of the Law and Equity Court of Winston County. He shall be subject to the same pains and penalties with regard to the duties of the office and shall be entitled to the same fees and commissions as are now, or as may hereafter be allowed to the registers of circuit courts in equity, which shall be collected as such fees and commissions are collected in circuit courts. There shall be taxed and collected as a part of the costs in each case docketed in the court a trial fee of three dollars. The trial fee shall be collected in the same way as other costs are collected and when collected shall be paid into the general fund of the county."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 6:43 P. M.

Act No. 402

S. 13—Robison, Rutledge, Eddins, Caffey,
Word, Turner, Wilson, Kendall,
Graham, Samford, Archer and
Moses

AN ACT

To provide that all powers, authority and duties of the Alabama Pension Commission shall be transferred and assigned to the State Department of Pensions and Security; to direct the State Department of Pensions and Security to carry out the provisions of law applicable to the payment of pensions to Confederate veterans and their widows; to provide for the transfer of all records, reports, books, accounts, documents, files and other recorded material of the Alabama Pension Commission to the State Department of Pensions and Security; to provide for the duties of the Commissioner of the State Department of Pensions and Security as related thereto; and to repeal Title 60, Chapter 1, Sections 2, 6, 10, 14, 41 and 42, Code of Alabama 1940 which relate to the payment of pensions to Confederate veterans and their widows.

Be It Enacted by the Legislature of Alabama:

Section 1. Wherever in the laws of the State of Alabama and especially in Title 60, Chapter 1, Sections 1 to 43, inclusive, Code of Alabama 1940, the term "Alabama Pension Commission" appears and is used, the same shall mean the State Board of Pensions and Security and all of the rights, powers, duties and authority now vested by law in the Alabama Pension Commission and the members thereof are hereby transferred to and vested in the State Board of Pensions and Security.

Section 2. Wherever in Title 60, Chapter 1, Sections 1 to 43, inclusive, Code of Alabama 1940, the term "Director of Finance"

appears and is used, the same shall mean the Commissioner of the State Department of Pensions and Security.

Section 3. Wherever in the laws of the State of Alabama and especially in Title 60, Chapter 1, Sections 1 to 43 inclusive, Code of Alabama 1940, the term "County Department of Public Welfare" appears and is used, the same shall mean the County Department of Pensions and Security.

Section 4. All of the books, records, reports, accounts, documents, files and other recorded material of the Alabama Pension Commission are hereby transferred to the State Department of Pensions and Security.

Section 5. The State Department of Pensions and Security, by and through the State Board of Pensions and Security and the Commissioner of the State Department of Pensions and Security, is hereby authorized, empowered and directed to provide for the payment to the widows of Confederate veterans and others entitled thereto the pension provided therefor pursuant to Title 60, Chapter 1, Code of Alabama 1940, as amended.

Section 6. That Title 60, Chapter 1, Sections 1, 2, 6, 10, 14, 41 and 42, Code of Alabama 1940 relating directly to Confederate veterans be and the same are hereby repealed, and all other laws or parts of laws in conflict herewith are hereby repealed.

Section 7. This Act shall become effective October 1, 1959.

Approved November 13, 1959.

Time: 11:00 A. M.

Act No. 403

S. 111—Andrews

AN ACT

To amend Section 6 of Act No. 27, S. 30, approved May 31, 1949 (Acts of Alabama, 1949, p. 39), which relates to the printing and publication of the acts and journals of the Legislature, by prescribing further the number of volumes of the bound acts to be printed and delivered to the Secretary of State.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 27, S. 30, approved May 31, 1949 (Acts of Alabama, 1949, p. 39), which relates to the printing and publication of the acts and journals of the Legislature, is amended to read as follows:

"Section 6. (a) The printer must, within ninety days after being furnished a copy of the last act, print, as herein provided, and deliver to the Secretary of State two thousand five hundred copies of the bound acts, which copies shall be indexed, stitched, half-bound, and lettered.

“(b) Within one hundred eighty days after receipt of the copy from the Secretary of the Senate and Clerk of the House of Representatives, which period shall include the thirty days mentioned in Section 5 (c), the printer must deliver to the Secretary of State eight hundred copies of the journal of each house, which copies shall also be indexed, stitched, half-bound, and lettered.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 11:01 A. M.

Act No. 404

S. 112—Andrews

AN ACT

To amend Section 274 of Title 17, Code of Alabama (1940), which requires candidates to file with the secretary of state or the judge of probate the name or names of persons selected to receive, expend, audit, and disburse moneys subscribed, donated, or contributed for the purpose of promoting or aiding the nomination or election of such candidates.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 274 of Title 17, Code of Alabama (1940), is amended to read as follows:

“Within five days after the announcement of his candidacy for any office, each candidate for a state office shall file with the secretary of state, and each candidate for a county office or the state house of representatives shall file with the judge of probate of the county, and each candidate for a circuit or district office, including the state senate, shall file with the judge of probate of each county which is embodied in said circuit or district, a statement showing the name of not less than one nor more than five persons elected to receive, expend, audit, and disburse all moneys contributed, donated, subscribed, or in any way furnished or raised for the purpose of aiding or promoting the nomination or election of such candidate, together with a written acceptance or consent of such persons to act as such committee, but any candidate, if he sees fit to do so, may declare himself as the person chosen for such purpose. If the statement required herein shall have been postmarked at any United States post office not later than midnight of the fifth day after the announcement of his candidacy, the candidate shall be deemed to have complied with the requirements of this section as to filing such statement within five days after the announcement of his candidacy. Such committees shall appoint one of their number to act as treasurer, who shall receive and disburse all moneys received by said committee; he shall keep detailed account of receipts, payments and liabilities. The said committee or its treasurer shall have the exclusive custody of

all moneys contributed, donated, subscribed, or in any wise furnished for or on behalf of the candidate represented by said committee, and shall disburse the same on proper vouchers. If any vacancies be created by death or resignation or any other cause on said committees, said candidate may fill such vacancies, or the remaining members shall discharge and complete the duties required of said committee as if such a vacancy had not been created. No candidate for nomination or election shall expend any money directly or indirectly in aid of his nomination or election except by contributing to the committee designated by him as aforesaid."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 11:02 A. M.

Act No. 405

S. 113—Andrews

AN ACT

To amend Section 400 of Title 17, Code of Alabama (1940), which requires candidates in primary elections to file statements of campaign expenditures.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 400 of Title 17, Code of Alabama (1940), is amended to read as follows:

"Section 400. Expense account of candidate must be made and filed.—Any candidate for any office elected by the votes of more than one county, except candidates for the office of state senate, shall file with the secretary of state, and every candidate for a county office and candidates for the state senate and house of representatives shall file with the judge of probate of the county or counties in which said election is held, a sworn statement, setting out and itemizing the expenses of his canvass in such election within fifteen days after such election, and any candidate who fails to so file and swear to such statement within said time, shall be guilty of a misdemeanor, and, on conviction, must be fined not less than one hundred nor more than one thousand dollars."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 11:02 A. M.

Act No. 406

S. 123—Dumas, Caffey, Robison, Wyatt, Godfrey, deGraffenried, Haltom, Shelton, Farmer and Archer

AN ACT

To amend Section 107 of Title 17 of the Code of Alabama (1940), as amended by Act No. 584 of the 1949 Regular Session of the Legislature of Alabama (page 911 of Acts of 1949, approved September 19, 1949) which relates to instruction and assistance for voters at the polls where voting machines are used.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 107 of Title 17 of the Code of Alabama (1940) as amended by Act No. 584 of the 1949 Regular Session of the Legislature of Alabama (page 911 of Acts of 1949, approved September 19, 1949) is amended to read: "(a) The election officers shall, with the aid of the diagrams herein authorized, and the mechanically operated model, instruct each voter before he enters the voting machine booth, regarding the operation of the machine, and shall give the voter opportunity personally to operate the model. No voter shall be permitted to receive any assistance in voting at any election, unless he shall first state in writing upon printed forms supplied for that purpose and under oath or affirmation, which shall be administered to him by the inspector, that he is blind or that he cannot read the names on the voting machines, or that, by reason of physical disability, he is unable to see the machine or prepare it for voting, or to enter the voting machine booth without assistance. The voter shall state the specific physical disability which requires him to receive assistance. Thereupon the voter may request assistance of two (2) inspectors of his choice or some other person of his own choice who has not previously so acted for any other person during the election, and he shall be assisted by the two election officials of his choice or by such other person, who shall aid him in voting, and the inspector shall forthwith enter in writing on the record of assisted voters: the voter's name; the fact that the voter cannot read the names on the voting machine, if that be the reason for requiring assistance and, otherwise, the specific physical disability which requires him to receive assistance; and the name of the election officials or such other person furnishing the assistance; but if any voter, after entering the voting machine booth, and before the closing of such booth, shall ask for further instructions concerning the manner of voting, he may choose an election

officer, who shall give him such instructions, but no official giving a voter such instructions shall, in any manner, request, suggest, or seek to persuade or induce any such voter to vote any particular ticket, or for any particular candidate, or for or against any particular question. After giving such instructions, and before the elector closes the booth or votes, the election officer shall retire, and the voter shall forthwith vote.

“(b) It shall be unlawful for any official to assist a voter who has not made the oath required herein, or for an official or any other person to do anything to enable himself to see how any voter votes other than in the course of assisting a voter as provided herein.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 11:04 A. M.

Act No. 407

S. 172—Crawford

AN ACT

Relating to commercial fertilizer and fertilizer material: To re-enact Section 292 of Title 2 of the Code of Alabama of 1940 heretofore repealed by Act No. 71 of the Legislature of 1951, approved June 6, 1951, said Section as re-enacted to require persons selling and shipping commercial fertilizer and fertilizer materials to notify the Commissioner of Agriculture and Industries of such sales and shipments for regulatory, control and statistical purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 292 of Title 2 of the Code of Alabama of 1940, heretofore repealed by Act No. 71 of the Legislature of 1951, approved June 6, 1951, is hereby re-enacted to read as follows:

“Section 292. Commissioner notified of shipments.—It shall be the duty of persons selling and shipping fertilizer and fertilizer material to notify the commissioner in writing by mail or otherwise on the day of shipment, or within twenty-four hours thereafter of every shipment exceeding five tons and to notify the commissioner of all shipments of five tons or less in accordance with regulations to be adopted by the state board of agriculture and industries, provided, however, the state board of agriculture and industries shall be authorized to adopt regulations whereby shipments of fertilizer and fertilizer material may be reported to the commissioner on a monthly basis in lieu of reporting each separate shipment in the event persons shipping and selling fertilizer and fertilizer materials elect to report such shipments and sales in such manner and provided, further, all such shipments

shall be reported not later than the twentieth day of each month for shipments and sales during the preceding month. Such notice shall state the brand name, number of sacks, the net weight of each sack or package, the guaranteed analysis, to whom shipped and their address, and such other similar information as may be required by the commissioner pursuant to rules and regulations adopted by the state board of agriculture and industries to the end that such information may be available for the effective administration and enforcement of this article and for the compilation and publication of agricultural statistics by the commissioner as now authorized by law."

Section 2. This Act shall become effective on October 1, 1959.

Approved November 13, 1959.

Time: 11:04 A. M.

Act No. 408

S. 187—Berryman, Eddins, Robison, Givhan, Turner, Shelton, Farmer, Godfrey, Golson, Hines, Cooper, Kendall, Word, Wilson, Gaither, Rutledge, Moses, Porter, Dumas, Clark, and Archer

AN ACT

To permit the breeding of pen-raised quail for commercial purposes; to define pen-raised quail; to provide for the regulation of breeding pen-raised quail by the State Department of Conservation; to provide for the licensing of breeders of pen-raised quail; to provide the procedure for stamping carcasses of quail; to provide that an invoice shall be issued by the licensed breeder and shall be kept attached to such package until the quail are prepared for consumption; to provide that any person other than a retail vendor shall make a copy of the original invoice upon the resale of any such quail; to provide for the retention of records concerning the sale of such quail; to provide for the inspection of such records; to provide that persons shipping quail into this State shall be subject to the provisions of this Act; to provide for penalties; to repeal conflicting laws; and for other purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Any person, firm, or corporation may engage in the business of propagating pen-raised quail, commonly known as bobwhite quail, for re-stocking, propagation, and other commercial purposes by complying with the provisions of this law, and may thereafter sell either live quail or the carcasses of such pen-raised quail for any purpose, including sale for food, either within or without this State.

(b) A pen-raised quail is a quail which has been hatched from an egg laid by a quail confined in a pen or coop and has itself been wholly raised in a pen or coop by a duly licensed quail

breeder holding a permit as provided by law from the State Department of Conservation.

Section 2. A commercial quail breeder's license must first be obtained from the State Department of Conservation, or its agents, and said license shall be valid from October 1st to September 30th next following, upon payment of twenty-five dollars (\$25.00) for each such license. Such license must bear a number as designated by the State Department of Conservation, and shall be conspicuously exhibited at all times at the place where said quail are bred.

Section 3. Before any sale may be made of the carcass of any bobwhite quail, the holder of a commercial quail breeder's license shall obtain a proper marker or marking device as prescribed by a regulation promulgated by the Director of Conservation.

Section 4. Before the carcass of a dead pen-raised quail shall be sold, the holder of the commercial quail breeder's license shall plainly mark each such carcass sold with an authorized mark or marker. Any person selling or purchasing the carcass of a pen-raised quail not so marked shall be guilty of a violation of this law. All pen-raised quail offered for sale or sold for commercial purposes must be killed otherwise than by shooting with firearms.

Section 5. Such pen-raised quail, when dressed and marked as herein provided, when delivered into the hands and possession of the purchaser, his agent or common carrier, or into the hands of a donee, and prior to leaving the place of the licensed breeder by whatever method employed, shall have firmly and substantially attached to the package an invoice signed by such licensed breeder, or his agent, stating the number of the license, the number of quail contained in said package and the name and address of the purchaser, consignee, or donee. Such invoice shall authorize transportation within this State, possession and use for thirty (30) days after its date, and shall be substantially in the following form:

Name of licensed breeder. Number
of breeder's license, Date.....
of.....19.....
Kind and number of quail.....
Name of consignee.....
Address of consignee.....
This authorizes transportation within
this State, possession and sale
for thirty (30) days after date if
attached to package.
By:.....(Breeder)
.....(Agent)

Section 6. When any such package containing a shipment of quail carcasses for which an invoice is required is to be shipped by rail, express, or other carrier, public or private, the invoice shall be securely attached thereto or to the package containing the same in plain sight, and the same may then be lawfully carried and delivered within this State to the consignee named in such invoice.

Section 7. If such package or shipment of quail carcasses is kept in storage in any hotel, restaurant, cafe, or boarding house, or elsewhere, such invoice shall be kept attached thereto as aforesaid until the same shall have been prepared for consumption.

Section 8. In case of the resale or disposition of such quail or any part thereof by any person other than a retail vendor, he shall at such time make an exact copy of such original invoice and endorse thereon the date of his sale, the number of quail carcasses so disposed of and the name of the purchaser, and sign and deliver the same to the purchaser or donee, who shall keep it attached as aforesaid until the quail are prepared for consumption, and the same shall have the same force and effect as the original invoice.

Section 9. Each person, firm, or corporation, holding a commercial quail breeder's license shall keep permanent records in a suitable, permanently bound book of all bird carcasses sold, to whom sold, the date of the sale, the address of the vendee or consignee and the number of carcasses sold, which said record, as well as the premises of such licensed breeder, shall be subject to examination and inspection by any agent of the State Department of Conservation or by any peace officer, without the issuance of any warrant upon displaying his credentials of authority to such breeder.

Section 10. Any person, firm, or corporation shipping quail into this State shall be subject to the provisions of this Act.

Section 11. Any person, firm, or corporation violating any provision of this Act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished as provided by law.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this Act are repealed.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 11:06 A. M.

Act No. 409

S. 429—Haltom

AN ACT

To extend, alter and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Florence be and the same are hereby extended, altered and rearranged so as to include within the corporate limits of the City of Florence all of the following additional adjacent territory in Lauderdale County, Alabama, situated, to-wit:

A tract or parcel of land situated in Lauderdale County, Alabama, more particularly described as follows: Beginning at a point where the center line of Cloyd Boulevard intersects the center line of Hermitage Drive (formerly known as Jackson Highway); run thence Northwardly along said Highway for a distance of 852 feet to a point; run thence Westwardly at right angles to said Drive for a distance of 417 feet to a point; run thence to the right at right angles for a distance of 215 feet to a point; run thence to the left with a deflection angle of 83 degrees and 16 minutes for a distance of 300 feet to a point; run thence to the left with a deflection angle of 34 degrees and 17 minutes for a distance of 1465 feet to a point; run thence to the left with a deflection angle of 91 degrees and 30 minutes for a distance of 828 feet to a point; run thence to the left at right angles for a distance of 162 feet to a point; run thence to the right with a deflection angle of 80 degrees and 00 minutes for a distance of 200 feet to a point; run thence to the left with a deflection angle of 32 degrees for a distance of 208 feet to a point; run thence to the right with a deflection angle of 17 degrees and 00 minutes for a distance of 100 feet to a point; run thence to the left at a deflection angle of 24 degrees and 42 minutes for a distance of 100 feet to a point; run thence to the left with a deflection angle of 49 degrees and 02 minutes for a distance of 120 feet to a point; run thence at a right deflection angle of 57 degrees and 00 minutes for a distance of 155 feet to a point; run thence at a right deflection angle of 27 degrees and 30 minutes for a distance of 150 feet to a point; run thence left with a deflection angle of 31 degrees and 38 minutes for a distance of 480 feet to the center line of Hermitage Drive; run thence Northwardly along Hermitage Drive for a distance of approximately 665 feet to the point of beginning.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 11:07 A. M.

Act No. 410

S. 439—Farmer

AN ACT

To further regulate the office of Circuit Solicitor of the 20th Judicial Circuit of Alabama; creating special funds for the payment of any expenses necessarily incurred for law enforcement, and to provide for the maintenance of a law library in each county of said Circuit and to provide for supplies, books, fixtures and facilities for use by or in the Office of Circuit Judge, Circuit Solicitor or in the Court room of each county in said Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1: All Solicitors' fees imposed by the Circuit Court and hereafter collected in the Twentieth Judicial Circuit of Alabama, under the provisions of Section 85 of Title 11, Code of Alabama, 1940, as amended, shall be paid into the County Treasury of the County where the fee is imposed to be used and expended as provided in Section Two hereof.

Section 2: The Circuit Solicitor and the Circuit Judge of the Twentieth Judicial Circuit are hereby authorized to requisition expenditures against said fund of the respective Counties composing said Circuit for the payment of any expenses necessarily incurred for law enforcement, and to provide for the maintenance of a law library in the Court House of each County in said Circuit; and also for supplies, books, fixtures, and facilities for use by or in the office of Circuit Judge, Circuit Solicitor or in the Courtroom of each county in said Circuit.

Section 3: The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4: All laws and parts of laws in conflict herewith are hereby repealed.

Section 5: This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 7:30 P. M.

Act No. 411

S. 110—Andrews

AN ACT

To amend Sections 278, 279, and 280 of Title 17, Code of Alabama (1940), which relate to the filing of statements of election campaign expenditures.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 278 of Title 17, Code of Alabama (1940), is amended to read as follows:

"Section 278. Statement of campaign expenditures filed.—Every committee appointed under this article and each and every political committee as defined in section 268 of this title, shall file in the office of the judge of probate of the county in which the candidate by which said committee was appointed resides, if such candidate is a candidate for state senator, representative in the legislature, or for any county office or position, or in the office of the secretary of state, if he is a candidate for a national or state office, or position, or for representative in congress, or judge or solicitor of any judicial circuit, and if the political committee be one in support or opposition to any measure or proposition submitted to the popular party vote, if such measure or proposition is submitted to the voters of the state, then in the office of the secretary of state, and if it be submitted to the voters of any particular county or district or circuit, then in the offices of the judges of probate of such counties, detailed, itemized, statements of all expenditures made. It is provided, however, that the committee of any candidate who is not opposed for nomination or election shall not be required to file such statements."

Section 2. Section 279 of Title 17, Code of Alabama (1940), as amended, is amended further to read as follows:

"Section 279. Within thirty days after the election, every committee shall file a statement giving in itemized, detailed form, including names, items and detailed amounts, covering all of the expenditures made directly or indirectly, and all obligations, debts or liabilities assumed or incurred at the time of filing of said statement. Such statement shall include the names of all contributors of amounts in excess of ten dollars, with amount given by each, and a list of all gifts, loans or contributions made. Such statements shall itemize all monies expended in sums over five dollars, and shall give the names of the various persons to whom such moneys were paid, the specific nature of each item, by whom the service was performed, and the purpose for which it was expended. There shall be attached to such statement an affidavit subscribed and sworn to by the treasurer of said committee setting forth in substance that the statement thus made is in all respects true, and that the same is a full and detailed statement of all moneys, securities or equivalents for money coming under the control or custody of the committee and by them expended directly or indirectly. If any statement required herein shall have been postmarked at any United States post office not later than midnight of the last day on which such statement is required to be filed, the committee mailing such statement shall be deemed to have complied with the requirements of this section as to filing such statement not later than such date."

Section 3. Section 280 of Title 17, Code of Alabama (1940), is amended to read as follows:

"Section 280. If such statement is filed by a committee on behalf of any candidate, there shall also be attached to such statement an affidavit subscribed and sworn to by said candidate, setting forth in substance that said statement is to the best of his knowledge and belief in all respects true, and that he has not in person made any expenditures or received any contributions which are not set forth and covered by said statement. The failure of any committee designated by any candidate to file the statements herein required in the form and at the time specified, is a corrupt practice."

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 11:08 A. M.

Act No. 412

S. 133—Samford, Hines and Archer

AN ACT

To revise and amend Title 24, Code of Alabama 1940, which relates to hotels and innkeepers.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 24, Code of Alabama 1940, as amended, is further amended and revised so as to read as follows:

"Section 1. Hotel defined.—For the purpose of interpreting and enforcing this title, the term 'hotel' shall be construed to mean and include any establishment where sleeping or sleeping and eating accommodations are advertised or held out to be available to transients, whether such establishment be known as a hotel, apartment hotel, inn, tavern, club, resort, tourist home, tourist court, motel, hotel court, motor court, motor lodge or by other like term, and regardless of the number of rooms, suites or cabins available, but this term shall not be construed to include apartments, clubs, trailer courts, boarding houses, rooming houses or portions thereof where single night accommodations are not advertised or held out to be available.

"Section 2. Duties of hotel operators prescribed.—Every owner, manager or operator of a hotel shall maintain the physical and sanitary condition of the structure, its equipment, water supply and human waste disposal, and shall conduct the operations thereof in such manner as to render services and accommodations to travelers in compliance with rules and regulations governing hotels and hotel operation adopted by the state board of health.

"Section 3. State hotel inspector empowered to close any hotel violating any provision of the state board of health regulations, if the public health is endangered.—The state hotel inspector, or any of his authorized representatives, when acting under his direction, may close any hotel if the owner, manager, or operator thereof has been found guilty of flagrant or continued violation of the state board of health rules and regulations governing the operation of hotels; and in such event it shall be his duty to take such action. In case of such closure, it shall be the duty of the sheriff of the county to enforce said closure until the closing order is revoked in writing.

"Section 4. Issue of certificates of inspection to hotels prescribed.—Upon inspecting a hotel, the inspector shall report the condition thereof to the state hotel inspector, together with its sanitary score or rating, whereupon, if the score or rating justifies, the state hotel inspector shall issue to the operator of the said hotel a certificate of inspection, showing the sanitary score or rating. Said certificate of inspection shall be kept prominently displayed in the hotel for the information of patrons.

"Section 5. Penalty for the failure of a hotel keeper to comply with the provisions of this title prescribed.—The state hotel inspector, upon ascertaining by inspection or otherwise that any hotel is being operated contrary to the rules and regulations of the state board of health, shall notify the owner, manager, agent or person in charge of such hotel, in writing, in what respect it fails to comply with said regulations, and require such person within a reasonable time, to be fixed by the said state hotel inspector, to do or cause to be done, the things necessary to make it comply with said regulations, whereupon such owner, manager, agent or person in charge of such hotel shall forthwith comply with such requirements. Any owner, manager or person in charge of a hotel who shall willfully fail or neglect to comply with any of the provisions of said rules and regulations of the state board of health, after notice as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof, be fined not less than ten dollars, nor more than fifty dollars, and every day that such hotel is operated in violation of said rules and regulations shall constitute a separate offense.

"Section 6. State health officer constituted ex-officio state hotel inspector.—The state health officer is ex-officio state hotel inspector, and the inspectors of the state board of health, or that may hereafter be of the state board of health, are ex-officio assistant hotel inspectors, and such assistants shall be in the inspection of hotels, as provided for in this title, under the exclusive direction and supervision of the state hotel inspector.

"Section 7. Hotel inspector vested with police power.—The state hotel inspector and his assistants have police power to enter

any hotel at reasonable hours to determine whether the provisions of the rules and regulations of the state board of health are being complied with.

"Section 8. Penalty for obstructing or hindering a hotel inspector prescribed.—Any owner, manager, agent or person in charge of a hotel who shall willfully obstruct or hinder an inspector in the proper discharge of his duties under this title shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars.

"Section 9. Formulation of regulations by state board of health prescribed.—The state committee of public health shall make and promulgate reasonable rules and regulations for the purpose of carrying this title into effect.

"Section 10. Title part of health laws.—This title shall operate as, or as a part of, or in conjunction with, any rules and regulations affecting hotels, provided and promulgated by the state board of health for maintaining and protecting the public health.

"Section 11. Special contract between hotel and guest authorized.—A hotel may require any guest, or person proposing to become a guest, to enter into a special contract as to the duration, kind and place of board, entertainment or lodging to be furnished such guest and the price therefor to be paid; and if such guest refuses to enter into such contract and to accept board, entertainment or lodging under the terms and conditions so proposed by the hotel, said hotel may refuse to receive or entertain such guest, and because of such refusal shall not incur any liability whatever. Such special contract must be in writing and signed by both parties, and by such contract a hotel may vary its liability for the safety of the goods of its guests.

"Section 12. Keep safes and display notices.—Every hotel must provide itself with a safe depository for the valuable articles belonging to its guests, and must keep displayed on the inner face of the main entrance door in each sleeping room occupied by its guests or in any other conspicuous place in said sleeping room, and in the lobby of said hotel, written or printed notice to its guests that they must leave their valuables with said hotel, its clerk or agent, for safekeeping in said safe depository, and of the limitations of liability provided for in Section 13 of this Title.

"'Safe depository' as used in this title shall mean and include a safe, vault, safety deposit box or other depository for the safekeeping of valuables.

"'Valuables' or 'valuable articles', as used in this title shall mean and include money, jewelry, watches, plate or other things made of gold, silver, or platinum, rare or precious stones, rings, ornaments, and bonds, securities, bank notes or other valuable papers, transportation tickets or other valuable articles of such

description as may be contained in small compass owned or possessed by a guest.

"Section 13. Conditional liability.—Such hotel as shall maintain a safe depository and display notice as is required by the preceding section shall in no event and under no circumstances or conditions, be liable in any amount for any loss, damage or destruction of the valuables of a guest, by theft, burglary, fire or by any other cause whatsoever whether or not of a nature enumerated above, if the said valuables shall not have been left with the hotel, its clerk or agent, for deposit in said safe depository. (Whenever the phrase—loss, damage or destruction by theft or otherwise—is hereinafter used in this title, it shall include any loss, damage or destruction of the valuables, baggage or property of a guest, as the case may be, by theft, burglary, fire or by any other cause whatsoever whether or not of a nature enumerated above.) If a hotel maintains a safe depository and valuables are left by a guest with said hotel, its clerk or agent, for deposit in said safe depository, the limit of liability of said hotel for any loss, damage or destruction of said valuables, by theft or otherwise, shall be three hundred dollars, regardless of whether or not said hotel shall have displayed notice as required by the preceding section; provided, however, that upon accepting any such valuables said hotel must furnish to said guest a receipt upon which there shall appear in not less than ten point type on the face thereof the following words: "The liability for loss, damage or destruction of valuables by theft or otherwise, is limited by law to three hundred dollars (\$300) unless otherwise provided by special written contract". There shall also appear on said receipt in not less than ten point type and underlined the following words: "If the guest is depositing valuables in the safe depository of the hotel for safekeeping which said valuables exceed in value the sum of three hundred dollars (\$300), the guest may request the hotel to enter into a special written contract, to be supplied by the hotel, whereby the hotel agrees to assume liability for the value of said valuables, provided, however, that in no event and under no circumstances or conditions shall the hotel (1) be liable in excess of the actual value of said valuables regardless of the stated value thereof in said contract, and (11), be required to enter into a contract assuming liability in excess of five thousand dollars (\$5,000) for the loss, damage destruction of said valuables by theft or otherwise regardless of the stated value or actual value thereof. Such contract must be in writing, signed by the guest and signed on behalf of the hotel by its manager, assistant manager, desk clerk, or other person in charge of or in authority in the hotel." Failure of the hotel to provide such receipt to any guest who leaves valuables with the hotel for deposit in its safe depository shall remove the three hundred dollar limitation of liability provided by this section.

"Section 14. Limitation of liability.—If the liability of a hotel is not otherwise eliminated or limited or varied under the provisions of Section 11 or Section 13 of this Title, its liability for any loss, damage or destruction of any property of a guest, by theft or otherwise, shall in no event and under no circumstances or conditions exceed the sum of five thousand dollars, whether or not such hotel has complied with the provisions of this title. The word 'property' as used in this section shall mean and include valuables and all other items belonging to a guest except baggage as is defined elsewhere in this title.

"Section 15. Liability for loss of baggage.—Every hotel shall provide a check room or other convenient storage place for all baggage of its registered guests, those intending to become guests, and others using or occupying any of the public spaces of the hotel, all of whom are hereinafter referred to in this section as guests, and shall keep displayed in the lobby of said hotel written notice that such check room or storage place has been provided; and the hotel shall give receipts or checks for all baggage so delivered to it by its guests when requested to do so by any such guest. When such check room or storage place has been provided and notice thereof has been so displayed by the hotel, and if the hotel makes no extra charge against its guests for so storing or checking their baggage, the hotel shall not be liable for any loss, damage or destruction of said baggage, by theft or otherwise, unless the guest leaves said baggage in such check room or storage place or, in the case of a registered guest, in the room or rooms assigned to such guest. As for baggage which is left with the hotel for storage in such check room or other convenient storage place, or as for baggage which is left by a guest in the room or rooms in which such guest was registered after such guest has permanently departed from the hotel, the hotel shall not be liable for any loss, damage or destruction thereof, by theft or otherwise, unless said baggage is called for within thirty days of the time of its acceptance by said hotel or within thirty days of the time when a guest permanently departs from said hotel, as the case may be. The liability of a hotel for any loss, damage or destruction of the baggage of a guest, by theft or otherwise, shall in no event and under no circumstances or conditions exceed the sum of five hundred dollars, regardless of whether or not such hotel has complied with the provisions of this section, unless a written contract is entered into and executed by the hotel and such guest providing for a greater liability.

"The term 'baggage' as used hereinabove in this section shall mean and include baggage, samples of merchandise of all description, and wearing apparel of all description brought to said hotel at the instance of or by said guest, but does not include 'valuables' as defined elsewhere in this title.

"Section 16. Locks, bolts, etc.—Any proprietor, owner or

manager of any hotel who shall fail or neglect to provide good and sufficient locks, latches or bolts to all the doors and rooms used by guests or provided for the use of guests or patrons of such hotel whereby the same may be securely fastened from the inside of such room, shall, on conviction, be fined not less than ten nor more than one hundred dollars.

“Section 17. Ejection of undesirable guests.—The manager, assistant manager, desk clerk or other person in charge of or in authority in a hotel, any of whom are hereinafter referred to in this section as ‘manager’ shall have the right to remove, cause to be removed, or eject from such hotel in the manner hereinafter provided, any guest of said hotel or visitor thereto, both hereinafter referred to in this section as ‘guest’, who, while in said hotel or on the hotel premises, is intoxicated, profane, lewd, brawling or who shall indulge in any language or conduct or otherwise conducts himself in such fashion as to disturb the peace and comfort of other guests proprietor or employees of such hotel.

“The manager shall first orally notify such guest that the hotel no longer desires to entertain him or her and request that such guest immediately depart from the hotel. If such guest has paid in advance, the hotel shall, at the time the request to depart is made, tender to said guest the unused or unconsumed portion of any such advance payment.

“Any guest who shall remain or attempt to remain in such hotel after being requested, as aforesaid, to depart therefrom, shall be guilty of a misdemeanor, and shall be deemed to be illegally in such hotel or upon its premises.

“In the event any such guest shall be illegally in said hotel or upon its premises as aforesaid, the manager may call to his assistance any policeman, constable, deputy sheriff, sheriff or other law enforcement officer, and it shall be the duty of each member of the aforesaid classes of officers, upon request of the manager of such hotel, forthwith and forceably, if necessary, to immediately remove or eject from such hotel any such guest illegally in said hotel or upon its premises as aforesaid.

“Section 18. Obtaining board by fraud or misrepresentation.—Any person who, by fraud or misrepresentation, or with the intent to deceive or defraud, obtains food or lodging, or other accommodation from any hotel or from any boarding house or eating house, and fails or refuses to pay for the same, must, on conviction, be fined not more than five hundred dollars, and may also be sentenced to hard labor for the county for not longer than six months.

“Section 19. Circumstances showing fraud.—Proof that food, lodging or other accommodation was obtained by false pretense, or by false or fictitious show or pretense of any baggage or other

property, by such person obtaining such food, lodging or other accommodation; or, that such person absconded or left the state without paying, or offering to pay for such food, lodging or other accommodation; or, that such person gave in payment, or in part payment for such food, lodging or other accommodation, any check, or draft, on which check or draft, payment was refused on due presentation; or, that such person surreptitiously removed, or attempted to remove from such hotel, boarding house or eating house, the baggage or other property brought with him thereto, without having paid or offered to pay for such food, lodging or other accommodation so furnished him, shall be prima facie evidence of the fraud or misrepresentation, or intent to deceive or defraud mentioned in the preceding section. No person shall be convicted under the provision of the preceding section where there has been an express agreement to delay payment for such food, lodging or other accommodation until a date after such person terminates his relation as a guest at such hotel, boarding house or eating house."

Section 2. This Act shall take effect on the first day of the month next following the expiration of thirty days from the date of its enactment.

Approved November 13, 1959.

Time: 11:09 A. M.

Act No. 413

S. 192—Crawford, Clark, Webb, Barnett, Golson, Berryman and Farmer

AN ACT

To amend further Section 89 of Title 36, Code of Alabama 1940, which limits the size and weight of motor vehicles and loads.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 89 of Title 36, Code of Alabama 1940, as amended, is amended further to read as follows:

"It shall be unlawful for any person to drive or move on any highway in this state any vehicle or vehicles of a size or weight except in accordance with the following provisions:

"(a) Width. No vehicle shall exceed a total outside width including any load thereon of eight feet. No vehicle shall be driven or drawn upon a highway with more than four animals abreast. No passenger vehicle shall carry any load extending beyond the line of the fenders.

"(b) Height. No vehicle other than a semi-trailer used for transporting livestock shall exceed in height twelve and one-half feet. And no semi-trailer used for transporting livestock shall exceed in height thirteen and one-half feet.

"(c) Length. No vehicle shall exceed in length thirty-five feet except that the length of semi-trailer trucks, including any part of the body or load, shall not exceed fifty feet. No vehicle operated on a highway shall carry any load extending more than two feet beyond the front thereof.

"(d) Weight. (1) The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed eighteen thousand (18,000) pounds, or such lower weight, if any, as may be required by federal law to keep the State from losing federal funds.

"(2) For the purpose of this Act, an axle load shall be defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

"(3) Subject to the limit upon the weight imposed upon the highway through any one axle as set forth herein, the total weight with load imposed upon the highway by all the axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distances between the first and last axle of the vehicle or combination of vehicles, measured longitudinally to the nearest foot as set forth in the following table:

Distance in feet between first and last axles of vehicle or combination of vehicles.	Maximum load in pounds on all the axles.
4	32,000
5	32,000
6	32,000
7	32,000
8	32,610
9	33,580
10	34,550
11	35,510
12	36,470
13	37,420
14	38,360
15	39,300
16	40,230
17	41,160
18	42,080
19	42,990
20	43,900
21	44,800
22	45,700
23	46,590
24	47,470
25	48,350

26	49,200
27	50,090
28	50,950
29	51,800
30	52,650
31	53,490
32	54,330
33	55,160
34	55,980
35	56,800
36	57,610
37	58,420
38	59,220
39	60,010
40	60,800
41	61,580
42	62,360
43	63,130
44	63,890
45	64,650

"Except as provided by special permits, no vehicle or combination of vehicles exceeding the gross weights specified above shall be permitted to travel on the public highways within the State of Alabama.

"(4) For purposes of enforcement of subsection (d) of Section (1) One hereof all scaled weights per axle shall be deemed to have a margin or error of (10%) ten per cent of the true axle gross weights.

"(5) Dump trucks, concrete mixing trucks, fuel oil and gasoline trucks designed and constructed for special type work or use shall meet the load limitations stated in subsection (d) hereof.

"(6) Provided further, that the governing body of a county by appropriate resolution may authorize limitations less than those herein prescribed for vehicles operated upon the county highways of such county."

Section 2. This Act shall not repeal or otherwise affect in any way an Act entitled "An Act to define a 'Motor Bus' and to provide a maximum permissible length for any motor bus driven or operated upon the highways of Alabama and to repeal all laws in conflict therewith." Approved September 11, 1951, Act No. 801, Acts of Alabama, Regular Session 1951, Volume II, page 1400.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 11:10 A. M.

AN ACT

To provide further for the organization, admission, consolidation, merger, and dissolution of certain corporations, and to prescribe the powers, authority, and duties of such corporations, and of the officers, directors, and stockholders thereof; subject to the provisions of Section 100 of this Act, to repeal Sections 1 through Section 15, Sections 17 and 18, Sections 22 through 47, Section 70, Sections 91 through 101, Sections 103 through 110, Sections 189 through 197, all as contained in Title 10 of the Code of Alabama of 1940 as amended; and Section 198 of Title 10 of the Code of Alabama of 1940.

Be It Enacted by the Legislature of Alabama:

SECTION 1. SHORT TITLE.

This Act shall be known and may be cited as the "Alabama Business Corporation Act."

SECTION 2. DEFINITIONS.—As used in this Act, unless the context otherwise requires, the term:

(a) "Corporation" or "domestic corporation" means a corporation for profit organized under or subject to the provisions of this Act, except a foreign corporation.

(b) "Foreign corporation" means a corporation for profit organized under laws other than the laws of this state for a purpose or purposes for which a corporation may be organized under this Act.

(c) "Certificate of incorporation" means the original certificate of incorporation and all amendments thereto and includes plan of merger or plan of consolidation adopted by two or more corporations and filed with the Secretary of State.

(d) "Shares" means the units into which the proprietary interests in a corporation are divided.

(e) "Subscriber" means one who subscribes for shares in a corporation, whether before or after incorporation.

(f) "Stockholder" or "Shareholder" means one who is a holder of record of shares in a corporation.

(g) "Authorized shares" means the shares of all classes which the corporation is authorized to issue.

(h) "Treasury shares" means shares of a corporation which have been issued, have been subsequently acquired by and belong to the corporation, and have not, either by reason of the acquisition or thereafter, been cancelled or restored to the status of authorized but unissued shares. Treasury shares shall be deemed to be "issued" shares, but not "outstanding" shares.

(i) "Net assets" means the amount by which the total assets of a corporation, excluding treasury shares, exceed the total debts of the corporation.

(j) "Stated capital" means, at any particular time, the sum of (1) the par value of all shares of the corporation having a par value that have been issued, (2) the amount of the consideration received by the corporation for all shares of the corporation without par value that have been issued, except such part of the consideration therefor as may have been allocated to capital surplus in a manner permitted by law, and (3) such amounts not included in clauses (1) and (2) of this paragraph as have been transferred to stated capital of the corporation, whether upon the issue of shares as a share dividend or otherwise, minus all reductions from such sum as have been effected in a manner permitted by law. Irrespective of the manner of designation thereof by the laws under which a foreign corporation is organized, the stated capital of a foreign corporation shall be determined on the same basis and in the same manner as the stated capital of a domestic corporation, for the purpose of computing fees and other charges imposed by law, except franchise taxes.

(k) "Surplus" means the excess of the net assets of a corporation over its stated capital.

(i) "Earned surplus" means the portion of the surplus of a corporation equal to the balance of its net profits, income, gains and losses from the date of incorporation, or from the latest date when a deficit was eliminated by an application of its capital surplus or stated capital or otherwise, after deducting subsequent distributions to stockholders and transfers to stated capital and capital surplus to the extent such distributions and transfers are made out of earned surplus.

(m) "Capital surplus" means the entire surplus of a corporation other than its earned surplus.

SECTION 3. HOW TO INCORPORATE.—Three or more persons may become a body corporate for the purpose of carrying on any lawful business or businesses of any kind or nature whatsoever, upon making and filing a certificate of incorporation pursuant to the provisions of this Act.

SECTION 4. CERTIFICATE OF INCORPORATIONS, CONTENTS OF.—The certificate of incorporation shall be signed by all the subscribers to the capital stock named therein, and shall set forth:

(1) Name of corporation.—No name shall be assumed which is identical with that of any corporation already existing in this state, or so nearly similar thereto as to lead to confusion and uncertainty, nor shall the name of any person or partnership be assumed without the addition of the word "incorporated."

(2) Object.—The object or objects for which the corporation is formed.

(3) Location.—The location of its principal office in this state.

(4) Capital stock.—The total number of shares of stock which the corporation shall have authority to issue with a statement of the par value of each share or that such shares are without par value; the amount of capital stock with which it will begin business, which shall in no case be less than one thousand dollars; but if the corporation is formed for the purpose of carrying on the business of banking or that of a trust company or an insurance company, the amount of capital stock with which it will begin business shall in no case be less than is provided elsewhere by law. If there be more than one class of stock created by the certificate of incorporation there shall also be stated a description of the different classes of stock, with the terms on which each class is created.

(5) Officer to receive subscription.—The name and post office address of the officer or agent designated by the incorporators to receive subscriptions to the capital stock.

(6) Incorporators and shares.—The names and post office addresses of the incorporators, and the number of shares subscribed for by each; the aggregate of such subscription shall be the capital stock with which the company may commence business; the names and post office addresses of the directors and the officers chosen for the first year.

(7) Time Limit.—The period, if any, limited for the duration of the corporation.

(8) Special provisions.—The certificate of incorporation may also contain any other provision which the incorporators may choose to insert for the regulation of the business and for the conduct of the affairs of the corporation, the directors and stockholders, or any class or classes of stockholders, provided, that such provision be not inconsistent with this Act or any other law, or the constitution of the state.

(9) The certificate of incorporation may contain provisions limiting or denying to the stockholders the preemptive right to subscribe to any or all issues of stock of the corporation of any or all classes.

(10) The certificate of incorporation may contain provisions requiring for any corporate act the vote of a larger proportion of the stock or any class thereof than is required by this act.

SECTION 5. STATEMENT UNDER OATH AS TO AMOUNT OF SUBSCRIPTION PAID IN.—The certificate of incorporation shall have attached to it a statement under oath by the person

authorized by the incorporators to receive subscriptions to the capital stock, showing the amount of capital stock which has been paid in, which amount shall be at least twenty per cent of the stock subscribed for, and in no case less than one thousand dollars; but if the corporation is formed for the purpose of carrying on the business of banking, or that of a trust company or an insurance company, the amount actually paid up in cash shall in no case be less than is provided elsewhere by law. Such statement shall include a copy of the subscription list and shall show by which of the subscribers payments have been received in cash and the amount paid by each, and by which of the subscribers contracts in writing have been executed for the performance of stipulated labor or services, or for the transfer and conveyance of property, in which they are privileged to discharge their subscriptions.

SECTION 6. FILING AND RECORDING CERTIFICATE OF INCORPORATION.—The Certificate of incorporation shall be filed and recorded in a book to be kept for that purpose, in the office of the probate judge of the county in which the principal office of the corporation is established; but the judge shall not file nor record it unless it complies with the provisions of this Act. When such certificate of incorporation has been so filed and recorded the certificate, without affecting the validity and continued existence of the corporation, may be withdrawn from the office of the probate judge for the files of the corporation.

SECTION 7. CERTIFICATE OF REGISTRATION, FEES FOR RECORDING.—After it has been recorded the probate judge shall indorse thereon his certificate of registration, showing the book and page where recorded, and for his services for recording the certificate of incorporation shall receive fifteen cents for each one hundred words of the certificate of incorporation, and two dollars and fifty cents for examining the certificate of incorporation.

SECTION 8. CHARTER FEES, AMOUNTS AND HOW PAID.—At the time the certificate of incorporation is filed in the office of the probate judge, the incorporators shall pay to the probate judge for the use of the state one dollar for every one thousand dollars or fractional part thereof of the total authorized capital stock, but in no case less than five dollars.

SECTION 9. CERTIFICATE OF INCORPORATION NOT FILED UNTIL FEES ARE PAID.—The certificate of incorporation shall not be received for filing by the probate judge until such fees are paid.

SECTION 10. FEES REPORTED.—Such fees shall be reported to the department of finance and the money paid into the treasury in the same manner as licenses issued by the probate

judge are required to be reported and the money paid into the treasury.

SECTION 11.—WHEN A BODY CORPORATE.—When the certificate of incorporation has been made and filed for record as provided, the incorporators, their successors and assigns, shall constitute a body corporate under the name set forth in the certificate of incorporation, but subject to dissolution as provided for in this Act.

SECTION 12. CERTIFICATE OF INCORPORATION MAY BE ISSUED.—After recording such certificate of incorporation, the judge of probate may issue a certified statement showing the name and date of incorporation and stating that such corporation has complied with the requirements of this Act; and such certified statement of incorporation shall be received in any court as prima facie evidence of the fact of incorporation.

SECTION 13. STATEMENT TO BE FILED WITH SECRETARY OF STATE.—Within ten days after the filing of the certificate of incorporation in the office of the probate judge as provided, he shall cause to be filed in the office of the Secretary of State a statement signed by the probate judge of the county in which the corporation was organized, giving the name of the corporation, the names of its incorporators, the date of its incorporation, the amount of its capital stock, and the amount thereof actually paid in, and the name of the county in which incorporated. And for filing such statement there shall be paid, in advance, to the probate judge, for the use of the state, a fee of two and a half dollars.

SECTION 14. ALPHABETICAL LIST OF CORPORATIONS KEPT BY SECRETARY OF STATE.—The Secretary of State shall keep in a book provided for that purpose an alphabetical list of the corporations, statements of whose incorporations are filed in his office, together with the data contained in such statement.

SECTION 15. FORFEITURE FOR FAILURE TO FILE STATEMENT.—In the event of the failure of the Probate Judge to cause such statement, as required by Section 13 of this act, to be filed in the office of the Secretary of State, he shall forfeit fifty dollars to the state, to be recovered at the suit of the state.

SECTION 16. LIST FURNISHED BY JUDGES OF PROBATE.—The Secretary of State shall also require the Judge of Probate of each county in this state, from time to time, to forward to the Secretary of State a list alphabetically arranged of all corporations whose proceedings of incorporation are on record in his court, not theretofore reported and certified by him, giving the original name of such corporation and the date of its organization, and also any change made in the name of such corporation and the date of the change in its name, such list to be certified under the seal of the court.

SECTION 17. PENALTIES.—Any judge of probate who shall fail or refuse to furnish to the Secretary of State the list provided for in the foregoing section within sixty days from the demand therefor, shall be liable to a penalty of not less than two hundred and fifty dollars, nor more than five hundred dollars, and a like penalty for each additional thirty days that he shall fail or refuse to furnish such list, or fail or refuse to make the statement provided for in section 13 of this Act, to be recovered at the suit of the state.

SECTION 18. TO CORRECT ERRORS OR OMISSIONS OF INCORPORATION.—If any corporation formed under this act has accidentally or inadvertently failed to comply with the requirements of this Act in its organization, the Chairman of the Board, President or Executive Vice-President of the corporation may supply such omission or defect by filing in the office of the Judge of Probate of the county in which the corporation was organized a statement in writing and under oath setting forth the omission or error and supplying or correcting the same; and such filing shall relate back to the organization of the company, except as to rights of third persons which have intervened.

SECTION 19. CHANGES OR AMENDMENT OF CHARTER AND SCOPE OF BUSINESS: HOW EFFECTED.—Every corporation chartered under this act or under any general or special law of this state may, from time to time, when and as desired, amend its certificate of incorporation without limitation, by adding to its corporate powers and purposes, or by diminution thereof, or both; or by substitution of other powers and purposes, in whole or in part, for those prescribed by its certificate of incorporation; or by increasing or decreasing its authorized capital stock or reclassifying the same, by changing the number, par value, designations, preferences, privileges, voting powers, and rights of redemption, retirement and conversion and provisions as to security, or relative, participating, optional or other special rights of the shares, or the qualifications, limitations or restrictions of such rights (except the right to vote shall not be denied as to the creation of bonded indebtedness, the increase of capital stock, the issuance of preferred stock, disposition of the entire property of the corporation, consolidation, merger or dissolution of the corporation), or by changing shares with par value into shares without par value, or shares without par value into shares with par value, either with or without increasing or decreasing the number of shares, or by changing the corporate title of the corporation, the nature of its business, the location of its principal office in this state, or by renewing or extending its corporate existence; or by making any other change or alteration in its certificate of incorporation that may be desired; and any or all such changes or alterations may be effected by one certificate of amendment.

In order to effect such amendment, change, or alteration, the board of directors shall first pass a resolution declaring that such amendment, change, or alteration, is desirable, and cause special notice to be given of action to be taken thereon at a meeting of the stockholders, which may be an annual or a special meeting called by the board of directors for that purpose. Written or printed notice shall be given to each stockholder of record entitled to vote at such meeting for not less than the time, and in the manner, provided by Section 50 of this Act for the giving of notice of meetings of stockholders to be held for such special purpose, and shall state such special purpose of the meeting, whether the meeting be an annual or special meeting.

Such resolution and notice need not set out the language of the proposed amendment but shall be sufficient if they state the nature of the proposed amendment, and the language and details of such amendment may be fixed at the stockholders' meeting. Specifically, without limiting the generality of the foregoing in the case of a resolution proposing the creation, authorization, or reclassification of preferred stock, the resolution need not state the dividend rate or dividend payment dates of such preferred stock, sinking fund provisions for the redemption or purchase of shares, the redemption price thereof or the amount payable in the event of voluntary or involuntary liquidation. An amendment may be adopted at such meeting by the vote of the holders of the larger amount in total value of all stock entitled to vote thereon, or by such greater vote as the constitution or certificate of incorporation may require; unless any class of shares is entitled to vote thereon as a class, as in this act provided, in which event the proposed amendment shall be adopted upon receiving the affirmative vote of the holders of the larger amount in total value of the shares of each class entitled to vote thereon as a class and of the holders of the larger amount in total value of all shares entitled to vote thereon or by such greater vote of both as the constitution or certificate of incorporation may require.

After an amendment has been adopted, a certificate under the seal of the corporation, setting forth the amendment and certifying that such amendment has been duly adopted in accordance with the provisions of this section, shall be signed by the Chairman of the Board, President or Executive Vice-President and the Treasurer or Secretary or the officer holding the authority and exercising the duties of secretary of the corporation. Such certificate shall be filed in the office of the judge of probate of the county in which the corporation was organized, unless the corporation shall have been created by an act of the Legislature prior to the adoption of the Constitution of 1901 or results from a merger or consolidation in which events such certificate shall be filed in the office of the Secretary of State and need

not be filed in the office of the judge of probate. Upon the filing of such certificate, the certificate of incorporation shall be deemed to be so amended, but such certificate of amendment, alteration, change or renewal or extension, shall contain only such provisions as would be lawful and proper to insert in an original certificate of incorporation, made at the time of making such amendment.

(a) If the amendment creates or authorizes preferred stock, such amendment must be adopted by a vote of the owners of two-thirds of the total value of the capital stock of the corporation.

(b) If the total number of shares is to be increased or decreased, the amendment shall state: (1) The total number of shares, including those previously authorized, which the corporation will thenceforth be authorized to have outstanding; (2) the number of shares, if any, that have a par value and the par value thereof; and (3) the number of shares, if any, that have no par value; and if shares are divided into more than one class, (4) a description of the classes with the terms on which each class is created.

The term certificate of incorporation as used in this section includes an adopted plan of merger or plan of consolidation and amendments to an adopted plan of merger or plan of consolidation shall be effected in the same manner as a certificate of incorporation is amended.

SEC. 20. AMENDMENT OF THE CERTIFICATE OF INCORPORATION BY UNANIMOUS CONSENT OF DIRECTORS AND STOCKHOLDERS.—The certificate of incorporation may be amended without a resolution of the board of directors or notice to and meeting of stockholders, provided all directors and stockholders unanimously consent to such amendment. Consent of the directors and stockholders shall be signified by the signature of each, attested by two witnesses, to a copy of the proposed amendment. After the consent of all directors and stockholders has been so signified, a certificate under the seal of the corporation shall be executed by the Chairman of the Board, President or Executive Vice-President and the Treasurer or Secretary or the Officer holding the authority and exercising the duties of Secretary of the corporation and shall set forth the information required to be stated in certificates of amendment by section 19 and shall certify that such amendment has been duly adopted in accordance with the provisions of this section. Such certificate shall be filed as are certificates of amendment under Section 19.

SEC. 21. FEES UPON FILING AMENDMENT.—Upon the filing of an amendment to a certificate of incorporation to increase the capital stock of the corporation there shall be paid to

the Probate Judge or the Secretary of State as the case may be, the same fees for recording and examining as for an original incorporation and charter fee upon the proposed increase of capital stock and if such certificate is filed in a Probate office, the Probate Judge shall within ten (10) days after the filing of the certificate cause to be filed in the office of the secretary of state a statement of like nature as that provided for in Section 13 of this Act. When all of the capital stock of said corporation is held by organizations operating under the lodge system or by the members thereof and the by-laws of such corporation forbid the issuing of stock to any persons or organizations other than those mentioned above and the sole business engaged in by such corporation is the erection and maintenance of a building as a meeting place of such organizations, such corporation shall be exempt from the payment of the fees provided in this section and a statement to this effect in the certificate filed in the probate office or the office of the Secretary of State shall be authority to the Probate Judge or Secretary of State to permit the filing of such certificate without the payment of such fees.

SEC. 22. EFFECT OF CERTIFICATE OF AMENDMENT.—

No amendment shall affect any existing cause of action in favor of or against such corporation, or any pending suit to which such corporation shall be a party, or the existing rights of persons other than stockholders; and, in the event the corporate name shall be changed by amendment, no suit brought by or against such corporation under its former name shall abate for that reason.

SEC. 23. CLASS VOTING ON AMENDMENTS.—

The holders of the outstanding shares of any class entitled to vote upon a proposed amendment by the provisions of the certificate of incorporation, shall be entitled to vote as a class thereon if the amendment would change the shares of any class having a par value into the same or a different number of shares without par value, or change the shares of any class without par value into the same or a different number of shares having a par value, or change the shares of any class whether with or without par value, into a different number of shares of the same class.

The holders of the outstanding shares of a class shall be entitled to vote as a class upon a proposed amendment, whether or not entitled to vote thereon by the provisions of the certificate of incorporation, if the amendment would:

(a) Increase or decrease the aggregate number of authorized shares of such class.

(b) Increase or decrease the par value of the shares of such class.

(c) Effect an exchange, reclassification or cancellation of all or part of the shares of such class.

(d) Effect an exchange, or create a right of exchange, of all or any part of the shares of another class into the shares of such class.

(e) Change the designation, preferences, limitations or relative rights of the shares of such class.

(f) Change the shares of such class, whether with or without par value, into the same or a different number of shares, either with or without par value, of the same class or another class or classes.

(g) Create a new class of shares having rights and preferences prior and superior to the shares of such class, or increase the rights and preferences of any class having rights and preferences prior or superior to the shares of such class.

(h) In the case of a preferred or special class of shares, divide the shares of such class into series and fix and determine the designation of such series and the variations in the relative rights and preferences between the shares of such series.

(i) Limit or deny the existing preemptive rights of the shares of such class.

(j) Cancel or otherwise affect dividends on the shares of such class which had accrued but had not been declared.

SEC. 24. BUSINESS TO BE MANAGED BY BOARD OF DIRECTORS.—Except as may be otherwise provided in the certificate of incorporation, the business and affairs of a corporation shall be managed by a board of directors. In case the majority of the members of the board of directors is disqualified to act with respect to any matter, the doing of the act may be authorized by the requisite percentage of the stockholders. Directors need not be residents of this state or stockholders of the corporation unless the certificate of incorporation or by-laws so require. The certificate of incorporation or by-laws may prescribe other qualifications for directors. The board of directors shall have authority to fix the compensation of directors unless otherwise provided in the certificate of incorporation.

SEC. 25. NUMBER AND ELECTION OF DIRECTORS.—The number of directors of a corporation shall be not less than three. Subject to such limitation, the number of directors shall be fixed by the by-laws, except as to the number constituting the initial board of directors, which number shall be fixed by the certificate of incorporation. The number of directors may be increased or decreased from time to time by amendment to the by-laws, but no decrease shall have the effect of shortening the term of any incumbent director. In the absence of a by-law fixing the number of directors, the number shall be the same as that stated in the

certificate of incorporation. The names and addresses of the members of the first board of directors shall be stated in the certificate of incorporation. Such persons shall hold office until the first annual meeting of share holders, and until their successors have been elected and qualified. At the first annual meeting of stockholders and at each annual meeting thereafter the stockholders shall elect directors to hold office until the next succeeding annual meeting, except in case of the classification of directors as hereinafter permitted. Failure to elect officers or directors at any time designated for their election shall not work a dissolution of the corporation, but the several officers or directors thereof shall continue to hold offices until their successors are elected and qualified.

SEC. 26. CLASSIFICATION OF DIRECTORS.—When the board of directors shall consist of nine or more members, in lieu of electing the whole number of directors annually, the by-laws may provide that the directors be divided into either two or three classes, each class to be as nearly equal in number as possible, the term of office of directors of the first class to expire at the first annual meeting of stockholders after their election, that of the second class to expire at the second annual meeting after their election, and that of the third class, if any, to expire at the third annual meeting after their election. At each annual meeting after such classification the number of directors equal to the number of the class whose term expires at the time of such meeting shall be elected to hold office until the second succeeding annual meeting if there be two classes, or until the third succeeding annual meeting, if there be three classes. No classification of directors shall be effective prior to the first annual meeting of stockholders.

SEC. 27. QUORUM OF DIRECTORS.—A majority of the directors shall constitute a quorum for the transaction of business, unless the by-laws or certificate of incorporation shall provide that a different number shall constitute a quorum, which for corporations organized under this act shall not be less than one-third of the total number of directors nor less than two directors. The act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number is required by the certificate of incorporation or the by-laws.

SEC. 28. VACANCIES.—Vacancies occurring in the board of directors may, unless prohibited by the certificate of incorporation or by-laws, be filled by the affirmative vote of a majority of the remaining directors though less than a quorum of the board of directors. A director elected to fill a vacancy shall be elected to serve until next annual meeting of stockholders. Any directorship to be filled by reason of an increase in the number

of directors shall be filled by election at an annual meeting or at a special meeting of stockholders called for that purpose.

SEC. 29. COMMITTEES.—The board of directors may by resolution or resolutions, passed by a majority of the whole board, designate one or more committees, each committee to consist of two or more of the directors of the corporation, which to the extent provided in such resolution or resolutions or in the by-laws of the corporation, shall have and may during intervals between the meetings of the board exercise the powers of the board of directors in the management of the business and affairs of the corporation and may have power to authorize the seal of the corporation to be affixed to all papers which may require it. The designation of such committee and the delegation thereto of authority shall not operate to relieve the board of directors, or any member thereof, of any responsibility imposed upon it or him by law.

SEC. 30. PLACE AND NOTICE OF DIRECTORS' MEETINGS.—Meetings of the board of directors, regular or special, may be held either within or without this state.

Regular meetings of the board of directors may be held with or without notice as prescribed in the by-laws. Special meetings of the board of directors shall be held upon such notice as is prescribed in the by-laws, together with a statement of the business to be transacted at, or the purpose of, such special meeting. Attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. The business to be transacted at a regular meeting of the board of directors need not be specified in the notice or waiver of notice of such meeting unless required by the by-laws.

SEC. 31. DIRECTOR OR COMMITTEE MEMBER RELYING UPON CERTAIN REPORTS AND RECORDS PROTECTED.—A director or a member of a committee designated by the board of directors shall in the performance of his duties be fully protected in relying in good faith upon the books of accounts or reports made to the corporation by any of its officials, or by an independent certified public accountant, or by an appraiser selected with reasonable care by the board of directors or by any such committee, or in relying in good faith upon other records of the corporation.

SEC. 32. AUTHORIZED SHARES.—Each corporation shall have power to create and issue the number of shares stated in its certificate of incorporation. Such shares may be divided into one or more classes, any or all of which may consist of shares with par value or shares without par value, with such designa-

tions, preferences, limitations, and relative rights as shall be stated in the certificate of incorporation. The certificate of incorporation may limit or deny voting rights of the shares of any class, except as to the creation of bonded indebtedness, the increase of capital stock, the issuance of preferred stock, the disposition of the entire property, consolidation and merger and dissolution, to the extent not inconsistent with the provisions of this Act. Unless otherwise provided in the certificate of incorporation, all outstanding shares of a corporation may be owned by one person or corporation or foreign corporation.

Without limiting the authority herein contained, a corporation, when so provided in its certificate of incorporation, may issue shares of preferred or special classes:

(a) Subject to the right of the corporation to redeem any such shares at the price fixed by the certificate of incorporation for the redemption thereof.

(b) Entitling the holders thereof to cumulative, non-cumulative or partially cumulative dividends.

(c) Having preference over any other class or classes of shares as to the payment of dividends.

(d) Having preference in the assets of the corporation over any other class or classes of shares upon the voluntary or involuntary liquidation of the corporation.

(e) Convertible into shares of any other class or into shares of any series of the same or any other class, except a class having prior or superior rights and preferences as to dividends or distribution of assets upon liquidation, but shares without par value shall not be converted into shares with par value unless that part of the stated capital of the corporation represented by such shares without par value is, at the time of conversion, at least equal to the aggregate par value of the shares into which the shares without par value are to be converted.

(f) Subject to limitations with respect to any one or more of the dividends payable thereon, and participation in earnings, assets, and property rights and interests of the corporation.

SEC. 33. ISSUANCE OF SHARES OF PREFERRED OR SPECIAL CLASSES IN SERIES.—If the certificate of incorporation so provides, the shares of any preferred or special class may be divided into and issued in series. If the shares of any such class are to be issued in series, then each series shall be so designated as to distinguish the shares thereof from the shares of all other series and classes. Any or all of the series of any such class and the variations in the relative rights and preferences as between different series may be fixed and determined by the certificate of incorporation, but all shares of the same class shall

be identical except as to the following relative rights and preferences, as to which there may be variations between different series:

- (a) The rate of dividend and dividend payment dates.
- (b) The price at and the terms and conditions on which shares may be redeemed.
- (c) The amount payable upon shares in event of involuntary liquidation.
- (d) The amount payable upon shares in event of voluntary liquidation.
- (e) Sinking fund provisions for the redemption or purchase of shares.
- (f) The terms and conditions on which shares may be converted, if the shares of any series are issued with the privilege of conversion.

If the certificate of incorporation shall expressly vest authority in the board of directors, then without further stockholder approval, the board of directors shall have authority to divide any or all of such classes into series and within the limitations set forth in this section and in the certificate of incorporation, fix and determine the relative rights and preferences of the shares of any series so established.

In order for the board of directors to establish a series, where authority so to do is contained in the certificate of incorporation, the board of directors shall adopt a resolution setting forth the designation of the series and fixing and determining the relative rights and preferences thereof. Such resolution may but need not state those restrictive rights and preferences as shall be fixed and determined by the certificate of incorporation.

Prior to the issue of any shares of a series established by resolution of the board of directors, a certificate under the seal of the corporation, setting forth the resolution and certifying that such resolution has been duly adopted, shall be signed by the Chairman of the Board, President or Executive Vice-President and the Treasurer or Secretary or officer holding the authority and exercising the duties of Secretary of the Corporation. Such certificate shall be filed in the office of the judge of probate of the county in which the corporation was organized; or if the corporation shall have been created by an act of the legislature prior to the adoption of the Constitution of 1901 or resulted from a merger or consolidation, such certificate shall be filed in the office of the Secretary of State. Upon the filing of such certificate, the resolution establishing and designating the series and fixing and determining the relative rights and preferences there-

of shall become effective and shall constitute an amendment to the certificate of incorporation.

SEC. 34. SUBSCRIPTION FOR SHARES.—A subscription for shares of a corporation to be organized shall be irrevocable for a period of six months, unless otherwise provided by the terms of the subscription agreement or unless all of the subscribers consent to the revocation of such subscription.

SEC. 35. CONSIDERATION FOR SHARES.—Shares having a par value may be issued for such consideration expressed in dollars, not less than the par value thereof, as shall be fixed from time to time by the board of directors.

Shares without par value may be issued for such consideration as may be fixed from time to time by the board of directors unless the certificate of incorporation reserves to the stockholders the right to fix the consideration. In the event that such right be reserved as to any shares, the stockholders shall, prior to the issuance of such shares, fix the consideration to be received for such shares, by a vote of the holders of a majority of all shares entitled to vote thereon.

Treasury shares may be disposed of by the corporation for such consideration expressed in dollars as may be fixed from time to time by the board of directors.

That part of the surplus of a corporation which is transferred to stated capital upon the issuance of shares as a share dividend shall be deemed to be the consideration for the issuance of such shares.

In the event of a conversion of shares, or in the event of an exchange of shares with or without par value for the same or a different number of shares with or without par value, whether of the same or a different class or classes, the consideration for the shares so issued in exchange or conversion shall be deemed to be (1) the stated capital then represented by the shares so exchanged or converted, and (2) that part of surplus, if any, transferred to stated capital upon the issuance of shares for the shares so exchanged or converted, and (3) any additional consideration paid to the corporation upon the issuance of shares for the shares so exchanged or converted.

SEC. 36. PAYMENT FOR SHARES.—The consideration for the issuance of shares may be paid, in whole or in part, in money, in other property, tangible or intangible, or in labor or services actually performed for the corporation. When payment of the consideration for which shares are to be issued shall have been received by the corporation, such shares shall be deemed to be fully paid and non-assessable.

Neither promissory notes nor future services shall constitute payment or part payment, for shares of a corporation.

In the absence of fraud in the transaction, the judgment of the board of directors or the stockholders, as the case may be, as to the value of the consideration received for shares shall be conclusive.

SEC. 37. DETERMINATION OF AMOUNT OF STATED CAPITAL.—In case of the issuance by a corporation of shares having a par value, the consideration received therefor shall constitute stated capital to the extent of the par value of such shares, and the excess, if any, of such consideration shall constitute capital surplus.

In case of the issuance by a corporation of shares without par value, the entire consideration received therefor shall constitute stated capital unless the corporation shall determine as provided in this section that only a part thereof shall be stated capital. Within a period of sixty days after the issuance of any shares without par value, the board of directors may allocate to capital surplus not more than twenty-five per cent of the consideration received for the issuance of such shares. No such allocation shall be made of any portion of the consideration received for shares without par value having a preference in the assets of the corporation in the event of involuntary liquidation except the amount, if any, of such consideration in excess of such preference.

The stated capital of a corporation may be increased from time to time by resolution of the board of directors directing that all or a part of the surplus of the corporation be transferred to stated capital. The board of directors may direct that the amount of the surplus so transferred shall be deemed to be stated capital in respect of any designated class of shares.

SEC. 38. DETERMINATION OF VALUE OF SHARES WITHOUT PAR VALUE FOR TAX PURPOSES.—For the purpose of the taxes prescribed to be paid on the filing of any certificate or other paper relating to corporations, and of franchise taxes, prescribed to be paid by corporations to the State of Alabama, but for no other purpose, shares without par value shall be taken to be of the value of one hundred dollars per share, unless it shall be shown to the satisfaction of the officer with whom such certificate should be filed, or the officer with whom such report for assessment of franchise taxes should be filed, that such shares are of another and different value than one hundred dollars per share, in which event such shares shall be taken to be of a par value equivalent to such other or different value as so shown.

SEC. 39. CERTIFICATES REPRESENTING SHARES.—The shares of a corporation shall be represented by certificates signed

by the president or a vice-president and the secretary or an assistant secretary of the corporation, and may be sealed with the seal of the corporation or a facsimile thereof. The signatures of the president or vice-president and the secretary or assistant secretary upon a certificate may be facsimiles if the certificate is countersigned by a transfer agent, or registered by a registrar, other than the corporation itself or an employee of the corporation. In case any officer who has signed or whose facsimile signature has been placed upon such certificate shall have ceased to be such officer before such certificate is issued, it may be issued by the corporation with the same effect as if he were such officer at the date of its issue.

Every certificate representing shares issued by a corporation which is authorized to issue shares of more than one class shall set forth upon the face or back of the certificate, or shall state that the corporation will furnish to any stockholder upon request and without charge, a full or summary statement of the designations, preferences, limitations, and relative rights of the shares of each class authorized to be issued and, if the corporation is authorized to issue any preferred or special class in series, the variations in the relative rights and preferences between the shares of each such series so far as the same have been fixed and determined and the authority of the board of directors to fix and determine the relative rights and preferences of subsequent series.

Each certificate representing shares shall state upon the face thereof:

(a) That the corporation is organized under the laws of this state.

(b) The name of the person to whom issued.

(c) The number and class of shares, and the designation of the series, if any, which such certificate represents.

(d) The par value of each share represented by such certificate, or a statement that the shares are without par value.

No certificate shall be issued for any share until such share is fully paid.

SEC. 40. ISSUANCE OF FRACTIONAL SHARES OR SCRIP.—A corporation may, but shall not be obliged to, issue a certificate for a fractional share, and, by action of its board of directors, may issue in lieu thereof scrip in registered or bearer form which shall entitle the holder to receive a certificate for a full share upon the surrender of such scrip aggregating a full share. A certificate for a fractional share shall, but scrip shall not unless otherwise provided therein, entitle the holder to exercise voting rights, to receive dividends thereon, and to participate

in any of the assets of the corporation in the event of liquidation. The board of directors may cause such scrip to be issued subject to the condition that it shall become void if not exchanged for certificates representing full shares before a specified date, or subject to the condition that the shares for which such scrip is exchangeable may be sold by the corporation and the proceeds thereof distributed to the holders of such scrip, or subject to any other conditions which the board of directors may deem advisable.

SEC. 41. LIABILITY OF SUBSCRIBERS AND STOCK-HOLDERS.—Subject to the provisions of Sec. 234 of the Constitution of 1901 and Sec. 36 of this act, a holder of or subscriber to shares of a corporation shall be under no obligation to the corporation or its creditors with respect to such shares other than the obligation to pay the full consideration for which such shares were issued or to be issued.

Any person becoming an assignee or transferee of shares or of a subscription for shares in good faith and without knowledge or notice that the full consideration therefor has not been paid shall not be personally liable to the corporation or its creditors for any unpaid portion of such consideration.

An executor, administrator, conservator, guardian, trustee, assignee for the benefit of creditors, or receiver shall not be personally liable to the corporation as a holder of or subscriber to shares of a corporation but the estate and funds in his hands shall be so liable.

No pledgee or other holder of shares as collateral security shall be personally liable as a stockholder.

SEC. 42. STOCKHOLDERS' PRE-EMPTIVE RIGHTS.—Unless otherwise provided in the certificate of incorporation or an amendment thereto, every holder of stock which entitles the holder to vote for the election of directors shall have the pre-emptive right to purchase his proportion of the issuance of any class of stock, including treasury shares, according to the proportion of his holdings of such stock, at such price, which may be in excess of par value, within such time and on such terms as shall be fixed and determined by the Board of Directors; provided, however, that nothing herein contained shall prevent provisions in the certificate of incorporation or an amendment thereof, denying pre-emptive rights to any class of stockholders or granting pre-emptive rights to holders of preferred stock or other stock not having voting power, nor shall anything herein be construed to give pre-emptive rights to holders of preferred stock having the right to elect one or more directors of the corporation only in the event of default in payment of dividend on such preferred stock or other default.

SEC. 43. SHARES ARE PERSONAL PROPERTY.—Shares or interest in the stock of corporations herein provided for are personal property, transferable on the books of the corporation in the manner provided by law.

Sec. 44. POWERS OF EXECUTORS AND ADMINISTRATORS AS TO STOCK.—An executor or administrator deriving his appointment from a court of probate or circuit court of this state, or if the testator or intestate reside without the state, from the proper tribunal of his domicile, may transfer the shares of stock held and owned by such testator or intestate in any private corporation existing under the laws of this state; payment of dividends on such stock may be made to such executor or administrator.

SEC. 45. LIEN ON STOCK FOR DEBTS OF CORPORATION.—All corporations when provided in the charter, or certificate of incorporation, and plainly recited in certificates for shares of stock, may have a lien on the shares of its stockholders, for any debt or liability incurred to it by a stockholder, before a notice of a transfer or levy on such shares.

SEC. 46. BOOKS AND RECORDS.—Each corporation shall keep correct and complete books and records of account and shall keep written minutes of the proceedings of its stockholders and board of directors; and shall keep at its principal office, or at the office of its transfer agent or register, a record of its stockholders, giving the names and addresses of all stockholders and the number and class of the shares held by each.

Any person who shall have been a stockholder of record for at least six months immediately preceding his demand or who shall be the holder of record of at least five per cent of all the outstanding shares of a corporation, upon written demand stating the purpose thereof, shall have the right to examine, in person, or by agent or attorney, at any reasonable time or times, for any proper purpose, its books and records of account, minutes, and record of stockholders and to make extracts therefrom.

Any officer or agent who, or a corporation which, without reasonable cause, shall refuse to allow any such stockholder, or his agent or attorney, so to examine and make extracts from its books and records of account, minutes, and record of stockholders, for any proper purpose, shall be liable to such stockholder in a penalty of ten per cent of the value of the shares owned by such stockholder, in addition to any other damages or remedy afforded him by law. It shall be a defense to any action for penalties under this section that the person suing therefor has within two years sold or offered for sale any list of stockholders of such corporation or any other corporation or has aided or abetted any person in procuring any list of stockholders for any such purpose,

or has improperly used any information secured through any prior examination of the books and records of account, or minutes, or record of stockholders of such corporation or any other corporation, or was not acting in good faith or for a proper purpose in making his demand.

Nothing herein contained shall impair the power of any court of competent jurisdiction, upon proof by a stockholder of proper purpose, irrespective of the period of time during which such stockholder shall have been a stockholder of record, and irrespective of the number of shares held by him, to compel the production for examination by such stockholder of the books and records of account, minutes, and record of stockholders of a corporation.

Upon the written request of any stockholder of a corporation, the corporation shall mail to such stockholder its most recent financial statements showing in reasonable detail its assets and liabilities and the results of its operations.

SEC. 47 CLOSING OF TRANSFER BOOKS AND FIXING RECORD DATE. — For the purpose of determining stockholders entitled to notice of or to vote at any meeting of stockholders or any adjournment thereof, or entitled to receive payment of any dividend, or in order to make a determination of stockholders for any other proper purpose, the board of directors of a corporation may provide that the stock transfer books shall be closed for a stated period but not to exceed, in any case, fifty days. If the stock transfer books shall be closed for the purpose of determining stockholders entitled to notice of or to vote at a meeting of stockholders, such books shall be closed for at least ten days immediately preceding such meeting. In lieu of closing the stock transfer books, the by-laws, or in the absence of an applicable by-law the board of directors, may fix in advance a date as the record date for any such determination of stockholders, such date in any case to be not more than fifty days and, in case of a meeting of stockholders, not less than ten days prior to the date on which the particular action, requiring such determination of stockholders, is to be taken. If the stock transfer books are not closed and no record date is fixed for the determination of stockholders entitled to notice of or to vote at a meeting of stockholders, or stockholders entitled to receive payment of a dividend, the date on which notice of the meeting is mailed or the date on which the resolution of the board of directors declaring such dividend is adopted, as the case may be, shall be the record date for such determination of stockholders. When a determination of stockholders entitled to vote at any meeting of stockholders has been made as provided in this section, such determination shall apply to any adjournment thereof except where the determination has been

made through the closing of the stock transfer books and the stated period of closing has expired.

SEC. 48. VOTING LIST.—The officer or agent having charge of the stock transfer books for shares of a corporation shall make, at least ten days before each meeting of stockholders, a complete list of the stockholders entitled to vote at such meeting or any adjournment thereof, arranged in alphabetical order, with the address of and the number of shares held by each, which list, for a period of ten days prior to such meeting, shall be kept on file at the principal office of the corporation and shall be subject to inspection by any stockholder at any time during usual business hours. Such list shall also be produced and kept open at the time and place of the meeting and shall be subject to the inspection of any stockholder during the whole time of the meeting. The original stock transfer books shall be prima facie evidence as to who are the stockholders entitled to examine such list or transfer books or to vote at any meeting of stockholders.

Failure to comply with the requirements of this section shall not affect the validity of any action taken at such meeting.

An officer or agent having charge of the stock transfer books who shall fail to prepare the list of stockholders, or keep it on file for a period of ten days, or produce and keep it open for inspection at the meeting as provided in this section, shall be liable to any stockholder who made written demand for the inspection of said list and who suffered damage on account of such failure, to the extent of such damage.

SEC. 49. MEETINGS OF STOCKHOLDERS.—Meetings of stockholders may be held at such place, either within or without this State, as may be provided in a by-law adopted by the stockholders, or as otherwise fixed by them. In the absence of any such provision, all meetings shall be held at the principal office of the corporation.

An annual meeting of the stockholders shall be held at such time as may be provided in the by-laws. Failure to hold the annual meeting at the designated time shall not work a forfeiture or dissolution of the corporation.

Special meetings of the stockholders may be called by the president, the board of directors, the holders of not less than one-tenth of all the shares entitled to vote at the meeting or such other officers or persons as may be provided in the certificate of incorporation or the by-laws.

SEC. 50 NOTICE OF STOCKHOLDER MEETINGS.—Written or printed notice stating the place, day and hour of the meeting shall be given before the date of the meeting, either

personally or by mail, by or at the direction of the board of directors, the president, secretary, or the officer or persons calling the meeting, to each stockholder of record entitled to vote at such meeting. Such notice shall be given not less than ten nor more than fifty days before the date of the meeting, as may be provided in the by-laws, or, in the case of a meeting called by the board of directors, as may be specified in the call. Notwithstanding the provisions of this section, the stock or bonded indebtedness of a corporation shall not be increased at a meeting unless thirty days' notice of such meeting shall have been given in the manner prescribed in this section. In the case of a special meeting, or a meeting which is required by the provisions of this act to be held for any special purpose, or of an annual meeting at which special action is to be taken, such notice shall also state the purpose, or purposes, for which the meeting is called, or the special action which is proposed to be taken, in such detail as may be required by the applicable provisions of this act. If mailed, such notice shall be deemed to have been given when deposited in the United States mail, addressed to the stockholder at his address as it appears on the stock transfer books of the corporation, with postage thereon prepaid."

SEC. 51. WAIVER OF NOTICE. — Whenever any notice is required to be given to any stockholder or director of a corporation under the provision of the constitution or this Act or under the provisions of the certificate of incorporation or by-laws of the corporation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

SEC. 52. ACTION BY STOCKHOLDERS WITHOUT A MEETING. — Any action required by this act to be taken at a meeting of the stockholders of a corporation, or any action which may be taken at a meeting of the stockholders, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the stockholders entitled to vote with respect to the subject matter thereof.

Such consent shall have the same force and effect as a unanimous vote of stockholders, and may be stated as such in any writing or documents required to be filed under this Act.

SEC. 53. VOTING OF SHARES. — Each outstanding share, regardless of class, shall be entitled to one vote on each matter submitted to a vote at a meeting of stockholders, except to the extent that the voting rights of the shares of any class or classes are limited or denied by the certificate of incorporation as permitted by this act.

Neither treasury shares, nor shares of its own stock held by a corporation in a fiduciary capacity, nor shares held by another corporation if a majority of the shares entitled to vote for the election of directors of such other corporation is held by the corporation, shall be voted at any meeting or counted in determining the total number of outstanding shares at any given time, except that in determining compliance with Sections 234 or 237 of the constitution of Alabama of 1901, such stock, other than Treasury shares, shall be counted and voted in the manner authorized and directed by a majority of the remaining stockholders of the corporation.

A stockholder may vote either in person or by proxy executed in writing by the stockholder or by his duly authorized attorney-in-fact. No proxy shall be valid after eleven months from the date of its execution, unless otherwise provided in the proxy.

At each election for directors every stockholder entitled to vote at such election shall have the right to vote, in person or by proxy, the number of shares owned by him for as many persons as there are directors to be elected and for whose election he has the right to vote, or, if cumulative voting is authorized by the certificate of incorporation, to cumulate his votes by giving one candidate as many votes as the number of such directors multiplied by the number of his shares shall equal, or by distributing such votes on the same principle among any number of such candidates.

Shares standing in the name of another corporation, domestic or foreign, may be voted by such officer, agent or proxy as the by-laws of such corporation may prescribe, or in the absence of such provision, as the board of directors of such corporation may determine.

Shares held by an administrator, executor, guardian or conservator may be voted by him, either in person or by proxy, without a transfer of such shares into his name. Shares standing in the name of a trustee may be voted by him, either in person or by proxy, but no trustee shall be entitled to vote shares held by him without a transfer of such shares into his name.

Shares standing in the name of a receiver may be voted by such receiver, and shares held by or under the control of a receiver may be voted by such receiver without the transfer thereof into his name if authority so to do be contained in an appropriate order of the court by which such receiver was appointed.

A stockholder whose shares are pledged shall be entitled to vote such shares until the shares have been transferred into the name of the pledgee, and thereafter the pledgee shall be entitled to vote the shares so transferred

SEC. 54. VOTING TRUST.—Any number of stockholders of a corporation may create a voting trust for the purpose of conferring upon a trustee or trustees the right to vote or otherwise represent their shares, for a period of not to exceed ten years, by entering into a written voting trust agreement specifying the terms and conditions of the voting trust, by depositing a counterpart of the agreement with the corporation at its principal office, and by transferring their shares to such trustee or trustees for the purposes of the agreement. The counterpart of the voting trust agreement so deposited with the corporation shall be subject to the same right of examination by a stockholder of the corporation, in person or by agent or attorney, as are the books and records of the corporation, and shall be subject to examination by any holder of a beneficial interest in the voting trust, either in person or by agent or attorney, at any reasonable time for any proper purpose.

SEC. 55. DIVIDENDS.—The board of directors of a corporation may, from time to time, declare and the corporation may pay dividends on its outstanding shares in cash, property, or its own shares, except when the corporation is insolvent or when the payment thereof would render the corporation insolvent or when the declaration or payment thereof would be contrary to any restrictions contained in the certificate of incorporation, subject to the following provisions:

(a) Dividends may be declared and paid in cash or property only out of the unreserved and unrestricted earned surplus of the corporation, except as otherwise provided in this section.

(b) If the certificate of incorporation of a corporation engaged in the business of exploiting natural resources so provides, dividends may be declared and paid in cash out of the depletion reserves, but each such dividend shall be identified as a distribution of such reserves and the amount per share paid from such reserves shall be disclosed to the stockholders receiving the same concurrently with the distribution thereof.

(c) Dividends may be declared and paid in its own shares out of any treasury shares that have been reacquired out of surplus of the corporation.

(d) Dividends may be declared and paid in its own authorized but unissued shares out of any surplus of the corporation upon the following conditions:

(1) If a dividend is payable in its own shares having a par value, such shares shall be issued at the par value thereof and there shall be transferred to stated capital at the time such dividend is paid an amount of surplus equal to the aggregate par value of the shares to be issued as a dividend.

(2) If a dividend is payable in its own shares without par value, such shares shall be issued at such value as shall be fixed by the board of directors by resolution adopted at the time such dividend is declared, and there shall be transferred to stated capital at the time such dividend is paid an amount of surplus equal to the aggregate value so fixed in respect of such shares; and the amount per share so transferred to stated capital shall be disclosed to the stockholders receiving such dividend concurrently with the payment thereof.

(e) No dividend payable in shares of any class shall be paid to the holders of shares of any other class unless the certificate of incorporation so provides or such payment is authorized by the affirmative vote or the written consent of the holders of at least a majority of the outstanding shares of the class in which the payment is to be made.

A split-up or division of the issued shares of any class into a greater number of shares of the same class without increasing the stated capital of the corporation shall not be construed to be a share dividend within the meaning of this section.

SEC. 56. GENERAL POWERS OF CORPORATIONS. — Every corporation organized under the laws of this state shall have the following powers, unless inconsistent with the nature, character, or object of the corporation, or unless such powers are expressly denied to the corporation by its charter:

(1) Time limit. — To have succession by its corporate name for the period limited in the certificate of incorporation, and when no period is limited, perpetually.

(2) Suits and seal. — To sue and be sued, and to make and use a corporate seal, and to alter the same at pleasure.

(3) As to real estate, debts, mortgages, etc. — To purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use and otherwise deal in and with, real or personal property, or any interest therein, wherever situated. To sell, convey, mortgage pledge, lease, exchange, transfer, and otherwise dispose of all or any part of its property and assets. To make contracts and incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds, and other obligations, and secure any of its obligations by mortgage or pledge of all or any of its property, franchises and income, provided that no bonded indebtedness shall be increased except in conformity with section 234 of the Constitution.

(4) Officers and agents. — To appoint and employ such officers and agents as the business of the corporation may require.

(5) By-laws, etc. — To make and alter at pleasure all needful by-laws, rules, and regulations for the transaction of its

business, and the control of its property and affairs, for the transfer of the stock, and for the creation and preservation of a lien upon the shares of its stockholders for any debt or liability they may incur to the company.

(6) Dissolution.—To wind up and dissolve itself or be wound up and dissolved in the manner in this Act provided.

(7) Meetings of directors and stockholders out of state; agent and principal office in state.—To have meetings of its board of directors within or without this state. Meetings of stockholders may be held at such place, either within or without this state, as may be provided in the by-laws. Every corporation must keep an agent and a principal office in this state, at which are kept copies of proceedings of stockholders' and directors' meetings.

(8) To carry on business.—To carry on the business or businesses, expressed in the certificate of incorporation, so far as consistent with this Act, locally or in other states or foreign countries.

(9) To acquire stocks and bonds of other corporations.—To subscribe for, acquire, hold, and dispose of the stock, bonds or other evidence of indebtedness of any other corporation of this or any other state or foreign countries, and while owner thereof to exercise the rights, privileges, and powers of ownership, including the right to vote, subject to the limitations of such rights in this act contained.

(10) As to consolidation or merger.—To consolidate or merge, before or after the completion of its works or plants in the manner herein provided, with any other corporation or corporations; but no corporation formed for the purpose of carrying on the business of banking or insurance shall consolidate or merge with any other corporation than corporations engaged in the business of banking or insurance or trust companies doing a banking business. No railroad shall consolidate or merge with any other than railroad corporations or companies; but when any two or more railroads or contemplated railroads, which, when completed will admit the passage of burden or passenger cars over any two or more such railroads, continuously and without break or interruption directly or by means of intervening lines, such companies may, before or after completion, consolidate or merge.

(11) To increase or decrease stock.—To increase or decrease its capital stock in the manner provided by law.

(12) To alter or amend charter.—To alter or amend its charter.

(13) To renew or extend corporate existence.—To renew or extend its corporate existence.

(14) To have and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is organized.

(15) To lend money for its corporate purposes, invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds so loaned or invested.

(16) To make donations for the public welfare or for charitable, scientific or educational purposes; and in time of war to make donations in aid of war activities.

(17) In time of war to transact any lawful business in aid of the United States in the prosecution of the war.

SEC. 57. RIGHT OF CORPORATION TO ACQUIRE AND DISPOSE OF ITS OWN SHARES.—A Corporation shall have the right to purchase, take, receive or otherwise acquire, hold, own, pledge, transfer or otherwise dispose of its own shares, but purchases of its own shares, whether direct or indirect, shall be made only to the extent of earned surplus available therefor, and if the certificate of incorporation so permits or with the affirmative vote of the holders of at least two-thirds of all shares entitled to vote thereon, to the extent of capital surplus available therefor, and subject to the following additional limitations:

(a) No purchase of its own shares shall be made at a time when the corporation is insolvent or when such purchase would render the corporation insolvent.

(b) To the extent that earned surplus or capital surplus is used as the measure of the corporations' right to purchase its own shares, such surplus shall be restricted so long as such shares are held as treasury shares, and upon the disposition or cancellation of any such shares the restriction shall be removed pro tanto.

Notwithstanding the foregoing limitations, a corporation may purchase or otherwise acquire its own shares for the purpose of:

(1) Eliminating fractional shares.

(2) Collecting or compromising indebtedness to the corporation.

(3) Paying dissenting stockholders entitled to payment for their shares under the provisions of this Act.

(4) Effecting the retirement of its redeemable shares by redemption or by purchase at not to exceed the redemption price; provided, however that no redemption or purchase of redeemable shares shall be made by a corporation when it is insolvent or when such redemption or purchase would render it insolvent, or which would reduce the net assets below the aggregate amount payable to the holders of shares having prior or equal rights to the assets of the corporation upon involuntary dissolution.

SEC. 58. DEFENSE OF ULTRA VIRES.—No act of a corporation and no conveyance or transfer of real or personal property to or by a corporation shall be invalid by reason of the fact that the corporation was without capacity or power to do such act or to make or receive such conveyance or transfer, but such lack of capacity or power may be asserted:

(a) In a proceeding by a stockholder against the corporation to enjoin the doing of any act or acts or the transfer of real or personal property by or to the corporation. If the unauthorized acts or transfer sought to be enjoined are being, or are to be performed or made pursuant to any contract to which the corporation is a party, the court may, if all of the parties to the contract are parties to the proceeding and if it deems the same to be equitable, set aside and enjoin the performance of such contract, and in so doing may allow to the corporation or to the other parties to the contract, as the case may be, compensation for the loss or damage sustained by either of them which may result from the action of the court in setting aside and enjoining the performance of such contract, but anticipated profits to be derived from the performance of the contract shall not be awarded by the court as a loss or damage sustained.

(b) In a proceeding by the corporation, whether acting directly or through a receiver, trustee, or other legal representative, or through stockholders in a representative suit, against the incumbent or former officers or directors of the corporation.

SEC. 59. BY-LAWS.—The initial by-laws of a corporation shall be adopted by the stockholders. The power to alter, amend or repeal the by-laws or adopt new by-laws shall be vested in the board of directors unless reserved to the stockholders by the certificate of incorporation, provided, however, that the board of directors may not alter, amend, or repeal any by-law establishing the number of directors, the time or place of stockholders' meetings, or what constitutes a quorum at such stockholders' meetings. The by-laws may contain any provisions for the regulation and management of the affairs of the corporation not inconsistent with law or the certificate of incorporation.

SEC. 60. SALE OR MORTGAGE OF ASSETS IN REGULAR COURSE OF BUSINESS.—The sale, lease, exchange, mort-

gage, pledge, or other disposition of all, or substantially all, the property and assets of a corporation, when made in the usual and regular course of the business of the corporation, may be made upon such terms and conditions and for such considerations, which may consist in whole or in part of money or property, real or personal, including shares of any other corporation, domestic or foreign, as shall be authorized by its board of directors; and in such case no authorization or consent of the stockholders shall be required.

SEC. 61. SALE OR MORTGAGE OF ASSETS OTHER THAN IN REGULAR COURSE OF BUSINESS.—A sale, lease, exchange, mortgage, pledge, or other disposition of all, or substantially all, the property and assets, with or without the good will, of a corporation, if not made in the usual and regular course of its business, may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of money or property, real or personal, including shares of any other corporation, domestic or foreign, as may be authorized in the following manner:

(a) The board of directors shall adopt a resolution recommending such sale, lease, exchange, mortgage, pledge, or other disposition and directing the submission thereof to a vote at a meeting of stockholders, which may be either an annual or a special meeting.

(b) Written or printed notice shall be given to each stockholder of record entitled to vote at such meeting within the time and in the manner provided in this act for the giving of notice of meetings of stockholders, and, whether the meeting be an annual or a special meeting, shall state that the purpose, or one of the purposes, of such meeting is to consider the proposed sale, lease, exchange, mortgage, pledge, or other disposition.

(c) At such meeting the stockholders may authorize such sale, lease, exchange, mortgage, pledge, or other disposition and may fix, or may authorize the board of directors to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor. Each outstanding share of the corporation shall be entitled to vote thereon, whether or not entitled to vote thereon by the provisions of the certificate of incorporation. Such authorization shall require the affirmative vote of the holders of at least two-thirds of the outstanding shares of the corporation, unless any class of shares is entitled to vote as a class thereon, in which event such authorization shall require the affirmative vote of the holders of at least two-thirds of the outstanding shares of each class of shares entitled to vote as a class thereon and of the total outstanding shares.

(d) After such authorization by a vote of stockholders, the board of directors nevertheless, in its discretion, may abandon such sale, lease, exchange, mortgage, pledge, or other disposition of assets, subject to the rights of third parties under any contracts relating thereto, without further action or approval by stockholders.

SEC. 62 RIGHTS OF DISSENTING STOCKHOLDERS UPON SALE OR EXCHANGE OF ASSETS.—In the event that a sale or exchange of all or substantially all of the property and assets of a corporation otherwise than in the usual and regular course of its business, or in connection with the dissolution and liquidation of the corporation, is authorized by a vote of the stockholders of the corporation, any stockholder who shall have filed with the corporation a written objection thereto, prior to or at the meeting of stockholders at which the sale or exchange is authorized, and who shall not have voted in favor thereof, may, within ten days after the date on which the vote was taken, make written demand on the corporation for the payment to him of the fair value of his shares as of the day prior to the date on which the vote was taken. If the sale or exchange is effected, the corporation shall pay to such stockholder, upon surrender of his certificate or certificates representing such shares, the fair value thereof. Such demand shall state the number and class of the shares owned by such dissenting stockholder. . Any stockholder failing to make demand within the ten-day period shall be bound by the terms of the sale or exchange.

Within ten days after the sale or exchange is effected, the corporation shall give notice thereof to each dissenting stockholder who has made demand as herein provided for the payment of the fair value of his shares.

If within thirty days after the date on which the sale or exchange was effected the value of such shares is agreed upon between the dissenting stockholder and the corporation, payment therefor shall be made within ninety days after the date on which the sale or exchange was effected, upon the surrender of his certificate or certificates representing such shares. Upon payment of the agreed value, the dissenting stockholder shall cease to have any interest in such shares or in the corporation.

If within such period of thirty days the stockholder and the corporation do not so agree, then the dissenting stockholder may, within sixty days after the expiration of the thirty-day period, file a petition in any circuit court or court exercising like jurisdiction asking for a finding and determination of the fair value of such shares, and shall be entitled to judgment against the corporation for the amount of such fair value as of the day prior to the date on which such vote was taken approving such sale or exchange, together with interest thereon

to the date of such judgment. The judgment shall be payable only upon and simultaneously with the surrender to the corporation of the certificate or certificates representing such shares. Upon payment of the judgment, the dissenting stockholder shall cease to have any interest in such shares or in the corporation. Unless the dissenting stockholder shall file such petition within the time herein limited, such stockholder and all persons claiming under him shall be bound by the terms of the sale or exchange.

The right of a dissenting stockholder to be paid the fair value of his shares as herein provided shall cease if and when the corporation shall abandon the sale or exchange or the stockholders shall revoke the authority to make such sale or exchange.

Shares acquired by the corporation pursuant to the payment of the agreed value thereof or to payment of the judgment entered therefor, as in this section provided, may be held and disposed of by the corporation as in the case of other treasury shares.

SEC. 63 DEPRECIATING STOCK OR BONDS OF CORPORATION WITH INTENT TO BUY. — Any president, director, or managing officer of any corporation, by whatsoever name or title he may be known or called, who shall do or omit to do any act, or who shall make any declaration or statement in writing, or otherwise, with the intent to depreciate the market value of the stock or bonds of such corporation, and with the further intent to enable such president, director, or other managing officer, or any other person, to buy any such stock or bonds at less than the real value thereof, must, on conviction, be fined not more than five hundred dollars, and shall be sentenced to hard labor for the county for not less than six nor more than twelve months.

SEC. 64 CONTRIBUTION TO POLITICAL CAMPAIGNS OR ELECTIONS PROHIBITED: PENALTY FOR. — Any corporation, incorporated company, or incorporated association by whatever name it may be known, incorporated or organized under the laws of this state, or doing business in this state, or any servant, agent, employee, or officer thereof, who shall give, donate, appropriate, or furnish, directly or indirectly, any money, securities, funds or property of said corporation, incorporated company, or incorporated association, for the purpose of aiding any political party or any candidate for any public office, or any candidate for any nomination for any public office by any political party, or who shall give, donate, appropriate, or furnish, directly or indirectly, any money, security, funds, or property of said corporation, incorporated company, or association to any committee or person, as a contribution to the expenses of any political party or any candidate, representative, or committee

of any political party, or candidate for nomination by any political party, or any committee or other person acting in behalf of such candidate, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars nor more than two thousand dollars, at the discretion of the jury trying the case.

SEC. 65 PROCEDURE FOR CONSOLIDATION AND MERGER OF DOMESTIC CORPORATION. — Subject to the limitations of Section 239 of the Constitution of Alabama and of subdivision 10 of section 56 of this Act, any two or more corporations organized or existing under the laws of this state for the purpose of carrying on any kind of business may consolidate or merge into a single corporation. The constituent corporations may consolidate to form a new corporation which will be a corporation of this state, or they may merge into a single corporation, which may be any one of said constituent corporations. It shall be stated in the plans of merger or plan of consolidation hereinafter required whether said constituent corporations are to consolidate to form a new corporation or whether they are to merge into a single corporation. To effect such consolidation or merger, the board of directors of each constituent corporation shall, by resolution adopted by each such board, approve a plan of consolidation or plan of merger, setting forth

(a) The names of the corporations proposing to consolidate or merge, and the name of the corporation into which they propose to consolidate or merge.

(b) The terms and conditions of the proposed consolidation or merger.

(c) The manner and basis of converting the shares of the constituent corporations into shares or other securities or obligations of the new or surviving corporation.

(d) In the case of a merger, a statement of any changes in the certificate of incorporation of the surviving corporation to be effected by such merger.

(e) In the case of a consolidation into a new corporation, all of the statements required to be set forth in a certificate of incorporation for corporations organized under this Act.

(f) Such other provisions with respect to the proposed consolidation or merger as are deemed necessary or desirable.

SEC. 66 APPROVAL BY STOCKHOLDERS. — The board of directors of each corporation, upon approving such plan of merger or plan of consolidation, shall, by resolution, direct that the plan be submitted to a vote at a meeting of stockholders, which may be either an annual or a special meeting. Written

or printed notice shall be given to each stockholder of record entitled to vote at such meeting, not less than twenty days before such meeting, in the manner provided in this act for the giving of notice of meetings of stockholders, and shall state the purpose of the meeting, whether the meeting be an annual or a special meeting. A copy or a summary of the plan of merger or plan of consolidation, as the case may be, shall be included in or enclosed with such notice.

At each such meeting, a vote of the stockholders shall be taken on the proposed plan of merger, or plan of consolidation. Each outstanding share of each such corporation shall be entitled to vote on the proposed plan of merger or plan of consolidation, whether or not such share has voting rights under the provisions of the certificate of incorporation of such corporation. The plan of merger or plan of consolidation shall be approved upon receiving the affirmative vote of the holders of at least two-thirds of the outstanding shares of each such corporation, unless any class of shares of any such corporation is entitled to vote as a class thereon, in which event, as to such corporation, the plan of merger or plan of consolidation shall be approved upon receiving the affirmative vote of the holders of at least two-thirds of the outstanding shares of each class of shares entitled to vote as a class thereon and of the total outstanding shares. Any class of shares of any such corporation shall be entitled to vote as a class if the plan of merger or plan of consolidation, as the case may be, contains any provision which, if contained in a proposed amendment to the certificate of incorporation, would entitle such class of shares to vote as a class.

After the final adoption of such plan on behalf of all the constituent corporations as aforesaid, a copy thereof, together with a certificate executed by the secretary of each of the constituent corporations under their respective corporate seals stating the fact of such adoption, shall be filed in the office of the secretary of state. A copy of said plan of merger or plan of consolidation duly certified by the Secretary of State shall be evidence of the existence of such new or surviving corporation. After such approval by a vote of the stockholders of each corporation, and at any time prior to the filing of the plan of merger or plan of consolidation with the Secretary of State, the merger or consolidation may be abandoned pursuant to provisions therefor, if any, set forth in the plan of merger or plan of consolidation. Upon the filing of said plan in the office of the secretary of state, the several corporations shall be one corporation by the name provided in said plan.

SEC. 67 PROCEDURE FOR CONSOLIDATION OR MERGER OF DOMESTIC AND FOREIGN CORPORATIONS.—Subject

to the limitations of section 239 of the Constitution of Alabama and of subdivision 10 of section 56 of this Act, any one or more corporations organized or existing under the laws of this state for the purpose of carrying on any kind of business may consolidate or merge with any one or more other corporations organized under the laws of any other state or states of the United States of America (irrespective of whether or not such other corporation or corporations are qualified to do business in this state, at the time of such consolidation or merger), if the laws under which such other corporation or corporations are organized shall permit such consolidation or merger. The constituent corporations may consolidate to form a new corporation, which may be a corporation of the state of incorporation of any one of said constituent corporations, or they may merge into a single corporation, which may be any one of said constituent corporations, irrespective of whether it be one organized or existing under the laws of this state or one organized under the laws of another state. It shall be stated in the plan of merger or plan of consolidation hereinafter required whether said constituent corporations are to consolidate to form a new corporation or are to merge into a single corporation; in either event the state pursuant to the laws of which the corporation resulting from or surviving such consolidation or merger is to be governed shall also be stated in such plan. To effect such a consolidation or merger, the board of directors of each constituent corporation shall, by resolution adopted by each such board, approve a plan of consolidation or plan of merger, setting forth:

(a) The names of the corporations proposing to consolidate or merge, and the name of the corporation into which they propose to consolidate or merge.

(b) The terms and conditions of the proposed consolidation or merger.

(c) The manner and basis of converting the shares of the constituent corporations into shares or other securities or obligations of the new or surviving corporation.

(d) In the event that the corporation resulting from or surviving such consolidation or merger is or is to be a corporation of this state, such other facts and details as are required by the terms of section 65 of this act to be stated in a plan of consolidation or plan of merger.

(e) In the event that the corporation resulting from or surviving such consolidation or merger is or is to be a corporation of a state other than this state, such other facts and details as are then required by the laws of such other state to be set forth in certificates of incorporation of business corporations organized under the laws of such other state that can properly be stated in the case of a consolidation or merger.

(f) Such other provisions with respect to the proposed consolidation or merger as are deemed necessary or desirable.

To become effective, such plan shall be adopted and approved on behalf of each of the constituent corporations in accordance with the laws of the state under which it is organized and, in the case of a corporation organized or existing under the laws of this state, in accordance with and in the manner provided by Section 66 of this Act. After the final adoption of such plan on behalf of all of the constituent corporations as aforesaid, a copy thereof, together with a certificate executed by the Secretary of each of the constituent corporations under their respective corporate seals stating the fact of such adoption and showing the manner thereof, shall be filed in the office of the Secretary of State. A copy of such plan, when duly certified by the Secretary of State, shall be evidence of the existence of the corporation resulting from or surviving such merger or consolidation. Upon the filing of said plan and certificates in the office of the Secretary of State, the several consolidating or merging corporations shall, for all purposes of the laws of this state, be one corporation under the name provided in said plan.

SEC. 68 SECRETARY OF STATE DESIGNATED AGENT OF CORPORATIONS TO ACCEPT SERVICE WHERE CORPORATION RESULTING FROM CONSOLIDATION OR MERGER IS A FOREIGN CORPORATION. — If the corporation resulting from or surviving a consolidation or merger effected under the authority of section 67 is or is to be a corporation of any state other than this state, it shall be deemed to have agreed that it may be served with process in this state in any proceeding for enforcement of any obligation of any of the consolidating or merging corporations that were organized or existed under the laws of this state, as well as for the enforcement of any of its obligations arising from such consolidation or merger, including any suit or other proceeding to enforce the rights of any stockholder under Section 73 of the Act. Such corporation, which shall be deemed to have irrevocably appointed the Secretary of State as its agent to accept service of process in any such suit or proceeding, shall designate in writing to the Secretary of State the address to which a copy of such process shall be mailed by the Secretary of State. Service of such process shall be made by personally delivering to and leaving with the Secretary of State duplicate copies thereof. The Secretary of State shall forthwith send by registered mail one of such copies to the corporation resulting from or surviving such consolidation or merger at its address so designated, unless such corporation shall thereafter have designated in writing to the secretary of state a different address for such purpose, in which event such process shall be mailed to the last address so designated.

SEC. 69 FEES FOR CONSOLIDATION OR MERGER OF CORPORATIONS. — Upon the filing in the office of the Secretary of State of the copy of the plan and certificate or certificates of secretaries for consolidation or merger of corporations as provided by Sections 66 and 67 of this Act, there shall be paid to the Secretary of State by the person presenting such plan and certificate or certificates for filing, for the use of the state, one dollar for every one thousand dollars of the proposed capital stock of the corporation resulting from or surviving such consolidation or merger that is in excess of the aggregate sum of the capital stocks of all the constituent consolidating or merging corporations. No such plan or certificate shall be filed by the Secretary of State until such fee on the increase of the sum of such capital stock is paid; but in any such consolidation or merger a fee of not less than ten dollars shall be paid the Secretary of State.

SEC. 70 POWERS, DUTIES AND LIABILITIES OF MERGED OR CONSOLIDATED CORPORATION. — Any corporation resulting from or surviving any consolidation or merger effected pursuant to the authority of sections 65 or 67 of this Act shall possess all the rights, powers, and privileges, and shall be subject to all the restrictions, disabilities and duties, of each of the consolidating or merging corporations, unless the powers possessed by such consolidating or merging corporations are limited or restricted by said plan of merger or plan of consolidation; provided, however, that a corporation resulting from or surviving any consolidation or merger effected pursuant to the authority of Section 67 of this act that is a corporation of a state other than this state and that is not at the time of said consolidation or merger qualified to do business in this state as a foreign corporation shall not thereafter do any business in this state without first qualifying to do business in this state as a foreign corporation in the manner provided by the laws of this state. Nothing contained in this section shall be construed as prohibiting the specification, in a plan of consolidation or plan of merger adopted under the authority of this Act, of additional powers upon, and the exercise of such powers by, the corporation resulting from or surviving such consolidation or merger; provided, however, that no powers inconsistent with the provisions of this Act shall be so specified in a plan of consolidation or plan of merger between or among two or more domestic corporations, or in a plan of consolidation or plan of merger between or among two or more domestic and foreign corporations in the event the corporation resulting from or surviving such consolidation or merger is or is to be a domestic corporation.

SEC. 71 RIGHTS, PRIVILEGES, POWERS, FRANCHISES AND PROPERTY VESTED IN CONSOLIDATED OR MERGED

CORPORATIONS. — Upon the consummation of any consolidation or merger effected pursuant to the authority of Section 65 or Section 67 of this Act, all and singular, the rights, privileges, powers, franchises, and all property, real, personal or mixed, and all debts due on any account, as well as for stock subscriptions, and all other things in action belonging to each of the several consolidating or merging corporations shall be vested in the corporation resulting from or surviving such consolidation or merger; and all property, rights, privileges, powers and franchises, and all and every other interest shall thereafter be as effectually the property of the corporation resulting from or surviving such consolidation or merger as they were of the respective constituent corporations, and the title to any real estate by deed or otherwise under the laws of this state vested in any of said constituent corporations shall vest in the corporation resulting from or surviving such consolidation or merger and shall not in any way be impaired by reason of such consolidation or merger. The provisions of this section shall also apply in the case of any consolidation or merger of two or more foreign corporations; provided, however, that a foreign corporation resulting from or surviving any consolidation or merger of two or more foreign corporations that is not at the time of such consolidation or merger qualified to do business in this state as a foreign corporation shall not thereafter do any business in this state without first qualifying to do business in this state in the manner provided by the laws of this state.

SEC. 72 RIGHTS OF CREDITORS AND LIENS PRESERVED. — Rights of creditors and all liens upon the property of any corporations consolidating or merging pursuant to the authority of Section 65 or section 67 of this Act shall be preserved unimpaired; and all debts, liabilities and duties of each of said consolidating or merging corporations shall thenceforth attach to the corporation resulting from or surviving such consolidation or merger and may be enforced against it to the same extent as if said debts, liabilities, and duties had been incurred or contracted by it.

SEC. 73 RIGHTS OF DISSENTING STOCKHOLDERS IN MERGERS OR CONSOLIDATIONS. — If a stockholder of a corporation which is a party to a merger or consolidation shall file with such corporation prior to or at the meeting of stockholders at which the plan of merger or plan of consolidation is submitted to a vote, a written objection to such plan of merger or plan of consolidation, and shall not vote in favor thereof, and such stockholder, within ten days after the date on which the vote was taken, shall make written demand on the surviving or new corporation, domestic or foreign, for payment of the fair value of his shares as of the day prior to the date on which the vote was taken approving the merger or consolidation, then, if

the merger or consolidation is effected, the surviving or new corporation shall pay to such stockholder, upon surrender of his certificate or certificates representing such shares, the fair value thereof. Such demand shall state the number and class of the shares owned by such dissenting stockholder. Any stockholder failing to make demand within the ten-day period shall be bound by the terms of the merger or consolidation.

Within ten days after the merger or consolidation is effected, the surviving or new corporation, as the case may be, shall give notice thereof to each dissenting stockholder who has made demand as herein provided for the payment of the fair value of his shares.

If within thirty days after the date on which such merger or consolidation was effected the value of such shares is agreed upon between the dissenting stockholder and the surviving or new corporation, payment therefor shall be made within ninety days after the date on which such merger or consolidation was effected, upon the surrender of his certificate or certificates representing such shares. Upon payment of the agreed value the dissenting stockholder shall cease to have any interest in such shares or in the corporation.

If within such period of thirty days the stockholder and the surviving or new corporation do not so agree, then the dissenting stockholder may, within sixty days after the expiration of the thirty-day period, file a petition in any circuit court or court exercising like jurisdiction asking for a finding and determination of the fair value of such shares, and shall be entitled to judgment against the surviving or new corporation for the amount of such fair value as of the day prior to the date on which such vote was taken approving such merger or consolidation, together with interest thereon to the date of such judgment. The judgment shall be payable only upon and simultaneously with the surrender to the surviving or new corporation of the certificate or certificates representing such shares. Upon payment of the judgment, the dissenting stockholder shall cease to have any interest in such shares, or in the surviving or new corporation. Unless the dissenting stockholder shall file such petition within the time herein limited, such stockholder and all persons claiming under him shall be bound by the terms of the merger or consolidation.

Shares acquired by the surviving or new corporation pursuant to the payment of the agreed value thereof or to payment of the judgment entered therefor, as in this section provided, shall be treasury shares and may be held and disposed of by such corporation as in the case of other treasury shares.

SEC. 74 AUTHORITY OF CONSOLIDATED OR MERGED CORPORATIONS TO ISSUE BONDS. — Any corporation resulting from or surviving a consolidation or merger effected under the authority of section 65 of this Act and any corporation resulting from or surviving a consolidation or merger effected under the authority of Section 67 of this Act, if such corporation resulting from or surviving a consolidation or merger effected under the authority of said Section 67 is a corporation of this state, shall have power and authority to issue bonds and other obligations to an amount which, together with its capital stock, will be sufficient to provide for all payments it will be required to make or obligations it will be required to assume in order to effect such consolidation or merger; and to secure the payment of such bonds or obligations it may lawfully mortgage its corporate franchises, rights, privileges, and property, real, personal and mixed, and may issue capital stock, common or preferred, or both, to such amount as shall be necessary, to the stockholders of the consolidating or merging corporations in exchange or payment for their shares in such corporations, in the manner and on the terms specified in the plan of consolidation or plan of merger.

SEC. 75 MARSHALLING ASSETS OF INSOLVENT CORPORATIONS. — The assets of insolvent corporations constitute a trust fund for the payment of the creditors of such corporations, which may be marshalled and administered in courts having equity jurisdiction in this state.

SEC. 76 DISSOLUTION OF A CORPORATION BY UNANIMOUS CONSENT. — Whenever the holders of all the capital stock of any corporation shall desire to dissolve the corporation, they may do so by agreement to that end signed by all the stockholders, whose signatures shall be attested by two witnesses. The chairman of the board, president, or executive vice-president of the corporation shall certify that the names signed to such agreement constitute all the stockholders of the corporation, which agreement and certificate shall be filed and recorded in the office of the Probate Judge of the county where the corporation was organized, or with the Secretary of State if the corporation was created by an act of the legislature prior to the adoption of the Constitution of 1901 or resulted from a merger or consolidation. Upon the filing of the agreement and certificate as herein provided, the corporation shall be dissolved and the board of directors shall proceed to settle up and adjust its business and affairs.

SEC. 77 VOLUNTARY DISSOLUTION BY ACT OF CORPORATION. — Whenever in the judgment of the board of directors it should be deemed advisable and for the benefit of any corporation that it should be dissolved, a resolution to that

effect shall be adopted by a majority of the whole board at a meeting called for that purpose. Notice of the adoption of the resolution and of a date set for a meeting of the stockholders to take action thereon shall be mailed to each stockholder of record and a like notice shall be inserted in a newspaper published in the county wherein the corporation has its principal office, or, if none be published there, in a newspaper published in a place nearest to such principal place of business in which a newspaper is published, once a week for four consecutive weeks immediately preceding the date appointed for the meeting. At said meeting a vote of stockholders entitled to vote thereat shall be taken on the resolution to dissolve the corporation. Each outstanding share of the corporation shall be entitled to vote thereon, whether or not entitled to vote thereon by the provisions of the certificate of incorporation. Such resolution shall be adopted upon receiving the affirmative vote of the holders of at least two-thirds of the outstanding shares of the corporation, unless any class of shares is entitled to vote as a class thereon, in which event the resolution shall require for its adoption the affirmative vote of the holders of at least two-thirds of the outstanding shares of each class of shares entitled to vote as a class thereon, and of the total outstanding shares. The Chairman of the Board, President or Executive Vice-President and the Treasurer or Secretary or the officer holding the authority and exercising the duties of secretary of the corporation, shall certify that the resolution has been adopted at said meeting which resolution and certificate shall be filed and recorded in the office of the Probate Judge of the County in which the corporation was organized, or with the Secretary of State if the corporation was created by an act of the legislature prior to the adoption of the Constitution of 1901 or resulted from a merger or consolidation. Upon the filing of such certificate and resolution the corporation shall be dissolved and the board of directors shall proceed to settle up and adjust its business and affairs.

SEC. 78 JURISDICTION OF COURT TO LIQUIDATE AND DISSOLVE CORPORATION. — The circuit court of the county in which the corporation has its principal place of business or any court in such place having jurisdiction of equity cases shall have power to liquidate the assets and business of the corporation and dissolve the same.

(a) In an action by a stockholder when it is established:

(1) That the directors or stockholders are deadlocked in the management of the affairs of the corporation and irreparable injury to the corporation is being suffered or threatened by reason thereof; or

(2) That the acts of the directors or those in control of the corporation are illegal, oppressive or fraudulent; or

(3) That the corporate assets are being misapplied or wasted;
or

(4) That the corporation has ceased to carry on its ordinary business for lack of funds to carry on same; or

(5) That the corporation is insolvent.

(b) In an action by a creditor:

(1) When the claim of the creditor has been reduced to judgment and an execution thereon returned unsatisfied and it is established that the corporation is insolvent; or

(2) When the corporation has admitted in writing that the claim of the creditor is due and owing and it is established that the corporation is insolvent.

SEC. 79 PROCEDURE IN LIQUIDATION OF CORPORATION BY COURT. — In proceedings to liquidate the assets and business of a corporation the court shall have power to issue injunctions, to appoint a receiver or receivers *pendente lite*, with such powers and duties as the court, from time to time, may direct, and to take such other proceedings as may be requisite to preserve the corporate assets wherever situated, and carry on the business of the corporation until a full hearing can be had.

After a hearing had upon such notice as the court may direct to be given to all parties to the proceedings and to any other parties in interest designated by the court, the court may appoint a liquidating receiver or receivers with authority to collect the assets of the corporation, including all amounts owing to the corporation by stockholders on account of any unpaid portion of the consideration for the issuance of shares. Such liquidating receiver or receivers shall have authority, subject to the order of the court, to sell, convey, and dispose of all or any part of the assets of the corporation wherever situated, either at public or private sale. The assets of the corporation or the proceeds resulting from a sale, conveyance or other disposition thereof shall be applied to the expenses of such liquidation and to the payment of the liabilities and obligations of the corporation, and any remaining assets or proceeds shall be distributed among its stockholders according to their respective rights and interests. The order appointing such liquidating receiver or receivers shall state their powers and duties. Such powers and duties may be increased or diminished at any time during the proceedings.

The court shall have power to allow from time to time as expenses of liquidation compensation to the receiver or receivers and to attorneys in the proceeding, and to direct the payment thereof out of the assets of the corporation or the proceeds of any sale or disposition of such assets.

The receiver of a corporation appointed under the provisions of this section shall have authority to sue and defend in all courts in his own name as receiver of such corporation. The court appointing such receiver shall have exclusive jurisdiction of the corporation and its property, wherever situated. A receiver shall in all cases be a citizen of the United States or a corporation authorized to act as receiver, which corporation may be a domestic corporation or a foreign corporation authorized to transact business in this state, and shall in all cases give such bond as the court may direct with such sureties as the court may require.

SEC. 80 FILING OF CLAIMS IN LIQUIDATION PROCEEDINGS. — In proceedings to liquidate the assets and business of a corporation, the court may require all creditors of the corporation to file with the clerk of the court or the receiver, in such form as the court may prescribe, proofs under oath of their respective claims. If the court requires the filing of claims it shall fix a date, which shall be not less than four months from the date of the order, as the last day for the filing of claims, and shall prescribe the notice that shall be given to creditors and claimants of the date so fixed. Prior to the date so fixed, the court may extend the time for the filing of claims. Creditors and claimants failing to file proofs of claims on or before the date so fixed may be barred, by order of the court, from participating in the distribution of the assets of the corporation.

SEC. 81 DISCONTINUANCE OF LIQUIDATION PROCEEDINGS. — The liquidation of the assets and business of a corporation may be discontinued at any time during the liquidation proceedings when it is established that cause for liquidation no longer exists. In such event the court shall dismiss the proceedings and direct the receiver to re-deliver to the corporation all its remaining property and assets.

SEC. 82 DECREE OF INVOLUNTARY DISSOLUTION — In proceedings to liquidate the assets and business of a corporation, when the costs and expenses of such proceedings and all debts, obligations and liabilities of the corporation shall have been paid and discharged and all of its remaining property and assets distributed to its stockholders, or in case its property and assets are not sufficient to satisfy and discharge such costs, expenses, debts and obligations, all the property and assets have been applied so far as they will go to their payment, the court shall enter a decree dissolving the corporation, whereupon the existence of the corporation shall cease.

In case the court shall enter a decree dissolving a corporation, it shall be the duty of the clerk of such court to cause a certified copy of the decree to be filed and recorded in the office

of the probate judge of the county in which the corporation was organized, or with the Secretary of State if the corporation was created by an act of the legislature prior to the adoption of the Constitution of 1901 or resulted from a merger or consolidation.

SEC. 83 FORFEITURE OF FRANCHISE OF QUASI PUBLIC CORPORATIONS. — Whenever any person, firm or corporation operating or maintaining any public utility and having enjoyed franchises under contract with any city, town, or other municipal subdivision to render any public or quasi public service to such city, or other subdivision, or the inhabitants thereof, shall fail, after reasonable notice of default in the performance of such contract, to comply with and perform the same in the manner provided in such contract, the governing body of such city, town, or other subdivision, may by bill or petition apply to the circuit court or other court of like jurisdiction of the county in which such city, town, or other subdivision is situated, to enforce the forfeiture of the rights and franchises, and if a corporation, to annul the charter of the corporation. If upon the hearing of the cause, the court shall find that such person, firm, or corporation, has so failed or refused to perform its said contract, either wilfully or by reason of lack of means to do so, it shall enter a decree ordering such person, firm or corporation, within a time to be named in said decree, to comply with such contract in the respect where such person, firm or corporation is in default, which time, for good cause shown, the court may extend. If within the time fixed in the decree, or in the order extending the time, it be made to appear to the court that the decree has been complied with, the court shall enter a decree dismissing the proceedings upon the payment of all the costs by such person, firm, or corporation; but if it appear at the expiration of such time that such person, firm or corporation has failed to comply with the order of the court, the court shall declare the contract or franchise of such person, firm or corporation forfeited, and if a corporation, shall dissolve such corporation.

SEC. 84 APPEALS FROM PROCEEDINGS TO FORFEIT OR DISSOLVE CORPORATIONS. — Whenever a corporation has been dissolved by judicial decree as provided in this Act, appeals may be taken by any of the parties in the proceedings.

SEC. 85 FORFEITURE OF FRANCHISE BY NON-USER FOR FIVE YEARS. — The non-use of a corporate franchise for a period of five consecutive years is a forfeiture of such franchise. Provided, however, that nothing herein contained shall be construed to constitute such voluntary non-use of a corporate franchise as to result in its forfeiture, if any of the managing officers of such corporation became engaged in or was called upon to render military services to the United States and thereafter, and as the result thereof such corporation temporarily

suspended operations, and provided further that said corporation shall have paid all its franchise and other lawful taxes due the State of Alabama.

SEC. 86 CERTAIN CORPORATIONS EXIST FOR FIVE YEARS AFTER DISSOLUTION FOR CERTAIN PURPOSES.—Corporations whose charters have expired, or which have been dissolved otherwise than by judicial decree, continue to exist as bodies corporate for a period of five years after such dissolution for the purpose of prosecuting or defending suits, settling their business and affairs, collecting and disposing of their properties and distributing their assets, but not for the purpose of continuing their business. The directors of such corporations shall be trustees thereof, with full power to settle their business and affairs, collect and pay their debts, sell and convey their properties, prosecute and defend suits, make distribution to stockholders or other persons entitled thereto and to do all things reasonable and necessary to bring about an orderly liquidation and settlement of the business and affairs of the corporations. Suits may be brought and property may be conveyed by such trustees or a majority of them in the name of the corporation. Said trustees shall be liable to account to creditors and stockholders for assets coming into their hands. On application to the circuit court, or other court exercising equity jurisdiction, at the principal place of business of the corporation, such trustees may be continued as such for such length of time beyond said five-year period as the court may deem to be necessary for the purposes set forth in this section.

SEC. 87 POWERS OF FOREIGN CORPORATIONS.—Foreign corporations which have complied with the constitution and laws of this state as to doing business herein shall have the same right of eminent domain and the same remedies for enforcing such rights as domestic corporations of like kind and character possess.

SEC. 88 POWERS OF FOREIGN STREET CAR, ELECTRIC LIGHT, TELEGRAPH, TELEPHONE, AND POWER COMPANIES.—Any foreign corporation which has complied with the constitution and laws of this state for doing business herein and which is engaged in constructing or operating a street car, electric light, telegraph, telephone, or power lines or works in an adjoining state, may extend its lines, tracks, ways, or works into this state and connect with other lines, ways, or works of similar or like character, and for such purposes may have and exercise the same rights, privileges, immunities, and remedies as to right of eminent domain and condemnation proceedings as are had and exercised by domestic corporations engaged in like or similar business.

SEC. 89 FOREIGN CORPORATIONS NOT QUALIFIED TO DO BUSINESS IN THIS STATE: CONTRACTS OR AGREEMENTS OF: SERVICE ON. — All contracts or agreements made or entered into in this state by foreign corporations which have not qualified to do business in this state shall be held to be void at the suit of such foreign corporation or any person claiming through or under such foreign corporation by virtue of said void contract or agreement; but nothing herein shall abrogate the equitable rule that he who seeks equity must do equity. In all suits against such foreign corporation or against any person claiming under such foreign corporation by virtue of such void contract, the foreign corporation or such person claiming under it shall be held to be estopped from setting up the fact that the contract or agreement was so made in violation of law. In all actions against foreign corporations who have not qualified to do business in this state as provided by law, the summons or other process may be served upon the officer, agent or employee of the foreign corporation who acted for or represented such foreign corporation in making the contract or agreement sued upon.

SEC. 90 FOREIGN CORPORATION MUST FILE INSTRUMENT OF WRITING DESIGNATING AGENT AND PLACE OF BUSINESS. — Every foreign corporation shall, before engaging in or transacting any business in this state, file with the secretary of state a certified copy of its articles of incorporation or association, together with such other information as may be required by the secretary of state, and file an instrument of writing, under the seal of the corporation and signed officially by the Chairman of the Board, President or Executive Vice-President and the Treasurer or Secretary or the officer holding the authority and exercising the duties of secretary, thereof, designating at least one known place of business in this state and an authorized agent or agents residing thereat, and pay all fees and taxes and make all tax returns required by law; and when any such corporation shall amend its articles of incorporation, it shall within ten days thereafter file a certified copy of such amendment; or if such corporation shall abandon or change its place of business as designated in such instrument theretofore filed with the secretary of state, or shall substitute another agent or agents for the agent or agents designated in such instrument of writing, such corporation shall file a new instrument of writing setting forth such change before transacting any further business in this state.

SEC. 91 WHERE FILED AND FEE FOR FILING. — Such instrument when filed by a foreign corporation engaged in any business of insurance must be filed in the office of the superintendent of insurance, and when filed by a foreign corporation

engaged in any other business than that of insurance must be filed in the office of the Secretary of State, and there shall be paid at the same time for filing such instrument to the officer with whom the same is filed the sum of ten dollars for the use of the state.

SEC. 92 UNLAWFUL FOR FOREIGN CORPORATION TO TRANSACT BUSINESS IN THIS STATE BEFORE DECLARATION FILED: PENALTY.—It is unlawful for any foreign corporation to engage in or transact any business in this state before complying with provisions of the two preceding sections; and any such corporation that engages in or transacts any business in this state without complying with the provisions of the two preceding sections shall, for each offense, forfeit and pay to the state the sum of one thousand dollars.

SEC. 93 UNLAWFUL TO ACT AS AGENT OF FOREIGN CORPORATION BEFORE SUCH DECLARATION IS FILED: PENALTY.—It is unlawful for any person to act as agent or transact any business, directly or indirectly, in this state, for or on behalf of any foreign corporation which has not designated a known place of business in this state and an authorized agent or agents residing thereat, as required in this Act; and any person so doing shall, for each offense, forfeit and pay to the state the sum of five hundred dollars.

SEC. 94 FOREIGN CORPORATIONS, THEIR AGENTS, OFFICERS, ETC., CONTRACTING OR DOING BUSINESS IN STATE WITHOUT LICENSE: PENALTY FOR.—Any foreign corporation or any person acting as agent, servant, or officer of such foreign corporation who shall make or attempt to make any contract, agreement, undertaking, or engagement with, by, or in the name of or for the use or benefit of any such corporation without a license authorizing such corporation to do business in this state, or after such license shall have been cancelled, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars, nor more than one thousand dollars and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months, one or both, at the discretion of the jury trying the case.

SEC. 95 SOLICITOR MUST ENFORCE PENALTIES: COMMISSIONS.—Every penalty provided for under Sections 92 through 94 of this act shall be sued for and recovered in the name of the State of Alabama by the solicitor of the circuit or county in which the offense is committed; and when collected, must be paid by the solicitor into the state treasury for the use of the state

SEC. 96 EXCEPTIONS.—The provisions of sections 89

through 95 do not apply to corporations organized under the laws of the United States; nor to corporations engaging in or transacting business of interstate commerce only within this state.

SEC. 97 FIDUCIARY OBLIGATIONS OF DIRECTORS, OFFICERS, EMPLOYEES, OR STOCKHOLDERS OR EQUITY JURISDICTION NOT IMPAIRED.—Neither an unqualified statement of rights or powers, nor an unqualified grant of authority herein, shall be taken, or construed, to abrogate, repeal, displace, modify, or impair the fiduciary obligations of directors or other officers or employees of any corporation, or of stockholders having or exercising control thereof, or of any function thereof, whether by reason of ownership of a majority, or other controlling, interest therein, or otherwise, or the jurisdiction of the courts to grant relief by way of injunction or otherwise, in order to forestall, prevent, correct, remedy, or allow damages for fraud, oppression, imposition, or other inequitable, or remedial conduct in conformity with the applicable principals and practices of law.

SEC. 98 APPLICATION TO EXISTING CORPORATIONS.—Subject to the qualifications hereinafter stated, and to the provisions of Sections 99 and 100, the provisions of this Act shall apply to all existing corporations which have been organized under any general act of this State providing for the organization of corporations for a purpose or purposes for which a corporation might be organized under this Act which shall have been enacted since the adoption of the Alabama Constitution of 1875, and to all existing corporations organized for any such purpose or purposes which shall have been theretofore or otherwise organized, whether under general act or by an act of the Legislature, or a combination thereof, which, by conduct or acquiescence, or any other means, shall have become subject to Section 229, 231, or 238 of the Alabama Constitution of 1901, or to Section 1, 5, or 10 of Article XIV of the Alabama Constitution of 1875. This section shall not operate to extend the corporate existence of any corporation organized under any such prior act beyond the term which was permitted by such prior act, or, in the absence of action authorized by this Act, operate to affect any of the relations between any such corporation so organized and its stockholders or creditors, or the relations among the stockholders themselves.

Section 99. REPEAL OF PRIOR ACTS. Subject to the provisions of Section 100 hereof the following sections of the Code of Alabama of 1940 as amended are hereby expressly repealed: Sections 1 through Section 15, Sections 17 and 18, Sections 22 through 47, Section 70, Sections 91 through 101, Sections 103 through 110, Sections 189 through 197, all as contained in Title 10

of the Code of Alabama of 1940 as amended; and Section 198 of Title 10 of the Code of Alabama of 1940.

Section 100. EFFECT OF REPEAL OF PRIOR ACTS. — The repeal of a prior act by this Act shall not impair, or otherwise affect, the organization or the continued existence of an existing corporation, nor the right of any foreign corporation presently qualified to do business in this state to continue to do so without again qualifying to do business in this state. Nor shall the repeal of a prior act by this Act affect any right accrued or established, or any liability or penalty incurred, or the construction of the certificate of incorporation or charter of any corporation organized before the enactment of this Act, or the determination of the rights and interests of any of its stockholders or creditors, under the provisions of such prior act before the repeal thereof.

SEC. 101 This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved November 13, 1959.

Time: 11:11 A. M.

Act No. 415

S. 280—deGraffenried

AN ACT

To provide further for the service of process in civil suits growing out of motor vehicle accidents; providing an additional or alternative method of serving such process upon any person who was a resident of the State of Alabama when a motor vehicle, owned or operated upon the public highways in the State by such person was involved in an accident, but who has since absented himself from the State or concealed himself so that personal service cannot be had upon him.

Be It Enacted by the Legislature of Alabama:

Section 1. Should any resident of this State, who was the driver or owner of a motor vehicle involved in an accident or collision while being operated on any public highway in this State, thereafter leave the State and remain away for a period of 60 days from the date of such accident or for such period conceal himself so that process cannot be served upon him, such absence from the State or such concealment shall be deemed equivalent to an appointment by such person of the secretary of state of the State of Alabama, or his successor in office, to be such person's, or in case of his death his personal representative's, true and lawful agent or attorney upon whom may be served the summons and complaint in any action against such absent or concealed resident, or if he has died against his personal representative, growing out of such accident or collision; and such departure from the State or

concealment shall be deemed a signification of such absent or concealed resident's agreement and equivalent to an appointment by such absent or concealed resident of the secretary of state of the State of Alabama, or his successor in office, to be such absent or concealed resident's, or in case of his death his personal representative's, true and lawful agent or attorney upon whom may be served all lawful process in any action or proceeding against such resident, or if such resident has died against his personal representative, growing out of any accident or collision in which a vehicle, owned or operated by such absent or concealed resident of this State, was involved while being operated upon the public highways within Alabama, so that any such summons and complaint against such absent or concealed resident, or if he has died against his personal representative, which is so served shall be of the same legal force and effect as if personally served within the State of Alabama.

Section 2. Service of such process shall be made by leaving three copies of the summons and complaint, with a fee of three dollars, with the secretary of state of the State of Alabama, and such service shall be sufficient service upon such defendant; provided, that notice of such service and a copy of the summons and complaint are forthwith sent by registered mail to the defendant by the secretary of state of the State of Alabama, or his successor in office, and the defendant's return receipt and the certificate of the secretary of state, or his successor in office, of the compliance herewith, are filed in the office of the clerk of the court or in the court wherein said action may be pending. Such certificate of the secretary of state shall show the date of the mailing by registered mail of the notice of the service and copy of the summons and complaint to such defendant, and the date of the receipt of the return card, and shall be signed by the secretary of state of the State of Alabama, or his successor in office; or, provided, that the secretary of state of the State of Alabama, or his successor in office, may give such absent defendant notice of such service upon the secretary of state of the State of Alabama, in lieu of the notice of service hereinabove provided to be given, by registered mail, in the following manner: By causing or having a notice of such service and a copy of the summons and complaint served upon such defendant, if found within the State of Alabama, by any officer duly qualified to serve legal process within the State of Alabama, or if such defendant is found without the State of Alabama, by a sheriff, deputy sheriff, or United States marshal, or deputy United States marshal, or any duly constituted public officer qualified to serve like process in the state of the jurisdiction where such defendant is found; and the officer's return showing such service, when made, shall be filed in the office of the clerk of the court, or in the court wherein such action is pending, on or before the return day of the process, or within such further time as the court may allow; provided further that the secretary

of state, or his successor in office, may require the plaintiff in such action to deposit two dollars additional with the secretary of state of the State of Alabama to cover the cost and such officer's fee for serving such notice and process.

Section 3. The court in which such action is pending may order such continuance or continuances as may be necessary to afford such defendant reasonable opportunity to defend the action. The fee of three dollars paid by the plaintiff to the secretary of state, required to be deposited with the secretary of state at the time of the service, and the additional fee of two dollars if it is required to be deposited by the plaintiff with the secretary of state, shall be taxed as costs, if he prevails in the suit.

Section 4. The secretary of state shall keep on file in his office a copy of such summons and complaint and also keep a record of all such process which shall show the day and hour and manner of such service.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. The provisions of this Act are cumulative and it shall not be construed to repeal or modify any other law of this State, but it shall be construed to provide an additional or alternative method of serving process in actions growing out of motor vehicle accidents upon residents of this State who are absent or have concealed themselves so that process cannot be personally served on them in the usual manner.

Section 7. The method of serving process and securing service provided herein shall be available in any action now pending in the courts of the state and in any action which may hereafter be brought in the courts of the State.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 11:12 A. M.

Act No. 416

S. 284—Haltom, Barnett, and deGraffenried

AN ACT

To amend Act No. 743, H. 150, approved September 23, 1957 (Acts of Alabama, 1957, p. 1173), entitled "An Act To provide for a refund of a portion of the state tax paid on gasoline which is used in propelling or operating tractors used exclusively for agricultural purposes, or which is used in operating auxiliary engines attached to and made a part

of certain farm machinery; prescribing the procedure for effecting such refunds; prescribing the powers, duties, and authority of the commissioner of revenue in the administration and enforcement of the Act; defining violations of the Act and prescribing penalties therefor; and repealing Act No. 323, H. 35, approved August 7, 1949 (Acts of Alabama, 1949, p. 469)."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 743, H. 150, approved September 23, 1957 (Acts of Alabama, 1957, p. 1173), entitled "An Act To provide for a refund of a portion of the state tax paid on gasoline which is used in propelling or operating tractors used exclusively for agricultural purposes, or which is used in operating auxiliary engines attached to and made a part of certain farm machinery; prescribing the procedure for effecting such refunds; prescribing the powers, duties, and authority of the commissioner of revenue in the administration and enforcement of the Act; defining violations of the Act and prescribing penalties therefor; and repealing Act No. 323, H. 35, approved August 7, 1949 (Acts of Alabama, 1949, p. 469), is amended to read as follows:

"Section 3. If gasoline is used on the farm for agricultural purposes as defined by this Act the ultimate purchaser of such gasoline shall be entitled to receive a refund of a portion of the state tax paid on such gasoline. The amount of such refund shall be equal to six cents per gallon for each gallon of gasoline which is purchased and used for such purposes."

Section 2. Section 4 of said Act No. 743, H. 150, approved September 23, 1957, is amended to read as follows:

"Section 4. Claims for state gasoline tax refunds must be sworn to and be filed with the commissioner of revenue on forms to be prepared and distributed by the commissioner. Such forms must be substantially as follows:

"CLAIM FOR REFUND OF STATE TAX ON GASOLINE USED ON A FARM FOR AGRICULTURAL PURPOSES.

1. Name.....

Address (Number and street or rural route).....

(City, town, or post office)..... (Zone)..... (State).....

2. Total number of gallons of gasoline purchased after June 30, 19___, and before July 1, 19___, for farming purposes, and for which a claim has been filed for a refund of the federal tax on gasoline under Public Law 466, H. R. 8780, 84th Congress, Chapter 160, 2nd Session..... gallons

3. Total number of gallons of gasoline purchased after June 30, 19___, and before July 1, 19___, for propelling tractors which are used exclusively for agricultural purposes or for operating auxil-

iary engines attached to and made a part of any farm machinery
_____gallons.

4. The names and addresses of all retailers, refiners, or distributors from whom the gasoline for which the refund is being claimed was purchased, together with the dates and numbers of the invoices covering the total number of gallons of gasoline on which such refund is being claimed (attach sheet or enter on reverse side of this form)

5. Rate of refund of state tax (per gallon)\$.06

6. Amount of refund claimed (line 3 multiplied by line 5) \$ _____

"I declare under the penalties of perjury that this claim has been examined by me and to the best of my knowledge and belief is true and correct, and that the number of gallons shown in Item 5 does not exceed the total number of gallons of gasoline on which I am legally entitled, under the laws of this State, to a refund of a portion of the state tax paid.

"Signed: _____

"Date: _____

"Sworn and subscribed before me this the _____ day of _____, 19_____.

"_____."

Section 3. Section 5 of said Act No. 743, H. 150, approved September 23, 1957, is amended to read as follows:

"Section 5. Not more than one claim for a refund of the state tax paid on gasoline may be filed by any person under the provisions of this Act with respect to gasoline purchased during the twelve month period ending on the thirtieth day of June each year; and no claim shall be allowed with respect to any such twelve month period unless such claim is filed on or before the thirtieth day of September of the year in which such twelve months period ends."

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 11:13 A. M.

Act No. 417

S. 354—Porter and Cooper

AN ACT

To amend Section 1 of Act No. 296, page 493, 1945 General Acts of Alabama, approved July 7, 1945, entitled "An Act To amend Section 55 of Title 8 of the Code of Alabama 1940" which pertains to the fees of arresting officers in game and fish cases.

Be It Enacted by the Legislature of Alabama:

Section 1. To amend Section 1 of Act No. 296, page 493, 1945 General Acts of Alabama, approved July 7, 1945, entitled "An Act To amend Section 55 of Title 8 of the Code of Alabama 1940" pertaining to the fees of arresting officers in game and fish cases so as to read as follows:

"Section 1. Fees for arresting officers.—When an arrest for a violation of the provisions of the game and fish laws is made by a salaried officer and the defendant is convicted, there shall be taxed, as cost, the same fee as a sheriff in the State is entitled to for similar services, and if collected from the defendant shall be immediately remitted by the Trial Court direct to the Director of Conservation and said fee shall be used for the purpose of the administration of the Game and Fish Division of the Department of Conservation. If the arrest be made by a non-salaried warden or officer and said fee be collected from the defendant, such non-salaried warden or officer shall be entitled to said fee, but in no case shall such non-salaried warden or officer be entitled to any part of a fine assessed and collected from the defendant. Provided, however, no fees shall be allowed in cases of acquittal."

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 11:14 A. M.

Act No. 418

S. 358—Godfrey

AN ACT

To authorize the governing body of DeKalb County, Alabama, to impose an excise tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such County for the collection of said tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The term "gasoline" as used in this Act shall include gasoline, naptha and other liquid motor fuels or any de-

vices or substitutes therefor commonly used in internal combustion engines, provided that nothing contained in this Act shall apply to those products commonly known as kerosene oil, fuel oil, and crude oil used for lighting or heating purposes. The term "person" means and includes every person, corporation, co-partnership, company, agency or association, singular or plural. The term "distributor" shall include any person who shall engage in the selling of gasoline as herein defined in DeKalb County, by wholesale, in domestic trade, but shall not apply to any transaction by such distributor in interstate commerce. The term "retail dealer" shall include any person herein defined as the distributor who is also engaged in the sale of gasoline as herein defined at any place in DeKalb County in broken quantities. The term "storer" as used herein shall include any person who ships gasoline into DeKalb County in tank quantities and stores the same and withdraws or uses same for any purpose.

Section 2. The governing body of DeKalb County, Alabama, may impose an excise tax of not exceeding 1c per gallon on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling, distributing, storing or withdrawing from storage for any purpose whatever, gasoline or other liquid motor fuels or devices or substitutes therefor in DeKalb County, Alabama, and to require every distributor, retail dealer or storer of gasoline as herein defined to pay excise tax of 1c per gallon upon the selling, distributing or withdrawing from storage for any use, gasoline as herein defined in DeKalb County, Alabama; provided that the excise tax levied by this Act shall not be levied upon the sale of gasoline in inter-state commerce, and provided further that if the excise tax imposed by this Act upon the sale of such gasoline shall have been paid by a distributor or by retail dealer or storer, such payment shall be sufficient, the intention being that the tax shall not be paid but once. The excise tax imposed by this Act shall apply to persons, firms, corporations, dealers or distributors storing gasoline and distributing same or allowing the same to be withdrawn from storage, whether such withdrawal be for sale or other use, provided that sellers of gasoline and its substitutes paying the tax herein provided may pay the same computed and paid on the basis of their sales as hereinafter required, and storers and distributors shall compute and pay such tax on the basis of their withdrawals or distributions. The tax herein provided for shall be in addition to any and all excise or other taxes imposed on gasoline, naptha and other liquid motor fuels or any device or substitute therefor, or on the business of selling, distributing, storing or withdrawing from storage for any purpose, gasoline as herein defined; however, the governing body of said county shall have no authority to levy any tax upon any gasoline as herein defined when used in essential governmental functions by the State of Alabama or any

agency thereof, or county governing agencies, municipalities, and boards of education.

Section 3. On or before the 20th day of each month after this Act has become effective, every person upon whom the excise tax is levied shall render to the governing body of such county on forms prescribed by such governing body a true and correct statement of all sales and withdrawals of gasoline made by him or them during the next preceding month, liable for payment of the excise tax imposed by this Act, and shall furnish to said governing body such additional information as such governing body may require upon blanks to be formulated and furnished by said governing body, and at the time of making such report shall pay to the said governing body an amount of money equal to the excise tax levied by this Act. The statement herein required to be made by the distributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths, and any false statement sworn to shall constitute perjury and upon conviction thereupon the person so convicted shall be punished as provided by law for the crime of perjury.

Section 4. All distributors, storers and retail dealers shall keep for not less than two years within the State of Alabama at some certain place or office such books, documents or papers as will clearly show the amount of sale of withdrawals of gasoline made in DeKalb County taxed under this Act.

Section 5. Within thirty days after any tax shall have been levied under authority of this Act every distributor, storer or retail dealer engaged in the sale or withdrawal of gasoline in DeKalb County shall make a report on blanks furnished under Section 2 hereof to the governing body of said County, showing the place and post-office address at which he is engaged in the business of distributor or storer or retail dealer in gasoline within said County, which information shall be entered by the governing body of said County on a book kept for that purpose, and should such distributor, storer or retail dealer move his place of business from one business address to another such distributor, storer or retail dealer shall within thirty days thereafter notify the said governing body of such removal, giving the former place and post-office address and also the place and post-office address to which his place of business has been removed. After the tax imposed under this Act has become effective, no person shall become a distributor, storer or seller of gasoline in said County until he shall have made such reports to the said governing body.

Section 6. If any distributor, storer or retail dealer of gasoline in said County shall fail to make the reports or any of them as required in any provision of this Act or shall fail to comply with any regulation adopted for the collection of said tax by the governing body of said County, within the time required for making such reports, or shall fail to pay the tax imposed within the time

fixed for the payment thereof, said distributor, storer or retail dealer shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$50.00 nor more than \$300.00 for each offense.

Section 7. It shall be the duty of the governing body of said County to enforce the provisions of this Act upon its imposing the tax hereunder, and it shall have the right itself, or its members or its agents, to examine the books, reports and accounts of every distributor, storer or retail dealer of gasoline on which such tax has been imposed and to make any and all rules and regulations necessary and proper for the collection of such tax.

Section 8. If any distributor, storer or retail dealer in gasoline shall fail to make monthly reports or shall fail to pay the tax imposed under authority of this Act, the tax shall be deemed delinquent within the meaning of this Act and there shall be added to the amount of his tax a penalty of 25%, provided if in the opinion of the governing body of the said County a good and sufficient cause or reason is shown for such delinquency, the penalty may be remitted. The said governing body shall be authorized and empowered to make returns for delinquent tax payers upon such information as it may reasonably obtain and add to that the penalty as prescribed by this Act. If any person shall be delinquent in the payment of any tax imposed by this Act, the governing body of said County shall issue execution for the collection of the same, directed to any sheriff of the State of Alabama, who shall proceed to collect the same in the manner now provided by law for the collection of delinquent taxes by the County Tax Collector and make return of such execution to the governing body issuing the same. The tax herein authorized to be levied and the penalties herein provided for shall be held as a debt payable to the County of DeKalb by the person against whom the same shall have been imposed or against whom the penalties shall have accrued, and all such taxes and penalties shall be a lien upon the property in said County and elsewhere in this State of the person against whom said tax shall have been imposed and the penalties shall have accrued.

Section 9. The acceptance of any amount paid for the excise tax imposed under this Act shall not preclude the collection of the amount actually due. However, the amount actually paid shall constitute a credit against the amount actually due.

Section 10. Any distributor, storer or dealer who shall violate any provisions of this Act or shall fail to comply with any reasonable rule or regulation promulgated hereunder, may be restrained, and proper prosecution instituted in the name of said County by the Attorney General of the State of Alabama, or by such counsel as the governing body of said County shall direct, from distributing, selling, storing or withdrawing from storage any gasoline

the sale or withdrawal of which is taxable until such persons shall have complied with the provisions of this Act.

Section 11. Each agent or any railroad company, bus or truck operator or other transportation company or agency operating in DeKalb County shall report to the governing body of said County on the first day of January, April, July and October of each year all shipments of gasoline as defined in this Act or substitutes therefor handled by him or through the station or office at which he is the agent, and delivered to any person in DeKalb County, Alabama, during the preceding three months, giving the names and address of the consignor or consignee shipping and receiving said gasoline or substitute therefor and the number of gallons or pounds contained in each and every shipment.

Section 12. The proceeds of any tax imposed under authority of this Act shall be paid into a special fund in the county treasury for use as provided in Section 14.

Section 13. Expenditures from the special fund provided for in Section 12 shall be made exclusively for the purpose of matching federal or state funds in the construction of improved roads and bridges in DeKalb County in the same manner as other county funds are used to match federal and state funds under the Farm to Market Road Act of 1943, as amended, and for payment of the costs incurred in the administration and enforcement of this Act.

Section 14. Should any section, paragraph or portion of this Act be declared unconstitutional it shall not invalidate the remaining sections, paragraphs or portions hereof.

Section 15. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed insofar as they relate to DeKalb County, Alabama.

Section 16. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 11:15 A. M.

Act No. 419

H. 226—Hocklander, Murphy, Trimmier

AN ACT

To amend further Section 187 of Title 13, Code of Alabama 1940, in relation to the compensation of bailiffs of the circuit court in circuits composed of one county and having three or more circuit judges, but less than eight.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 13, Section 187, as amended, is amended further to read as follows:

"Section 187. In circuits composed of two counties, one of which has two courthouses for holding circuit court, and only one circuit judge, said judge shall have the power and authority with the approval of the governing body of such county to appoint one bailiff in the county having two courthouses, who shall receive a salary to be fixed by the presiding judge at a sum not to exceed four thousand dollars a year to be also approved by the governing body of such county to be paid monthly out of the treasury of said county as other salaries are paid, said bailiff to serve the circuit and county courts at all sessions, and if requested to do so by the sheriff to serve the sheriff of the county when not engaged in court. In circuits composed of one county having two circuit judges, each judge shall have the power and authority to appoint one bailiff who shall receive a salary, to be fixed by the presiding judge at a sum not to exceed thirty-three hundred dollars per annum, which salary shall be payable in twelve monthly installments out of the treasury of the county composing such circuit, upon warrant of the president of the board of revenue. Provided, however, in circuits composed of one county having two circuit judges, and the population of such county is not less than 56,000 nor more than 66,000 inhabitants according to the 1950 or any subsequent decennial census of the United States the sheriff of the county shall have the power and authority to appoint such bailiffs. In circuits composed of one county, having three or more circuit judges, each judge of such courts shall have the power and authority to appoint one bailiff who shall receive a salary of four thousand six hundred dollars per annum, payable in equal installments, out of the treasury of the county constituting such circuit upon warrant of president or chairman of the board of revenue or of the governing body of the county. Each bailiff so appointed shall hold office at the will and pleasure of the officer so appointing him. Each such bailiff appointed to serve in counties having three circuit judges shall, in addition to the duties now imposed upon him be required to wait upon all grand juries while in session, when directed by the judge so appointing him. The bailiffs appointed by the judges or by the sheriff under this section shall be in lieu of bailiffs of said courts provided for under the preceding section. Nothing in this section or in the preceding section, shall apply to circuits having more than seven judges."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 11:16 A. M.

Act No. 420

H. 365—Sullivan, Ray, Oden,
Gilchrist, Branyon

AN ACT

Relating to crimes and offenses: To make it a misdemeanor to obtain or attempt to obtain telephone or telegraph service by use of false, fictitious, counterfeit, revoked or nonexistent credit card, credit number or other credit device or telephone number, or credit card, credit number or credit device or telephone number of another without authority, or through any fraudulent scheme, device, means or method; to provide for punishment of such acts; to repeal all conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person to obtain or attempt to obtain telephone or telegraph service for which is made a lawful charge, price or toll by the use of a false, fictitious, counterfeit, revoked or nonexistent credit card, credit number or other credit device, or by the use of a credit card, credit number or credit device of another without the authority of the owner or holder thereof, or by the use of a false, fictitious, revoked or nonexistent telephone number, or by the use of the telephone number of another without the authority of the subscriber or holder thereof, or through any fraudulent scheme, device, means or method to obtain or attempt to obtain telephone or telegraph service or the transmission of a message, signal or other communication by telephone or telegraph or over telephone or telegraph facilities without payment of the lawful price, charge or toll therefor.

Section 2. Any person who violates any provision of Section 1 of this Act is guilty of a misdemeanor, and upon conviction shall be punished as prescribed by law.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall be effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.
Time: 11:17 A. M.

Act No. 421

H. 627—Johnson (Tallapoosa), Torbert, Adams
(Tallapoosa), Reynolds (Chambers),
McClendon (Chambers), Turnham,
Rogers

AN ACT

Relating to the Fifth Judicial Circuit; Authorizing the circuit solicitor to appoint a stenographic secretary, and providing for the payment of such secretary's compensation by the counties composing the circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The circuit solicitor of the Fifth Judicial Circuit may appoint a stenographic secretary, who shall serve at the pleasure of the solicitor and shall perform such duties as he may direct. The compensation of such secretary shall be fixed by the solicitor at a sum not exceeding two thousand four hundred dollars (\$2,400.00) per annum, and shall be paid in monthly installments on warrants of the respective treasurers of the counties constituting the Fifth Judicial Circuit, proportionately, on the basis of the value of the property therein as assessed for state taxation for the current tax year.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 11:18 A. M.

Act No. 422

H. 652—Murphy

AN ACT

Relating to Mobile County: To provide that the laws governing the countywide Civil Service System of Mobile County shall apply to any person holding the position of Chief Clerk, unclassified, in the office of the Tax Assessor of Mobile County, provided that such person shall have held such position continuously for a period of not less than eighteen years; and to provide for the placing of such person upon the employment roster of the Civil Service System of Mobile County, without examination and without any decrease in the salary of such person.

Be It Enacted by the Legislature of Alabama:

Section 1. That the laws governing the countywide Civil Service System of Mobile County shall apply to any person holding the position of Chief Clerk, not now included in such Civil Service System, in the office of the Tax Assessor of Mobile County, if and when such person shall have held such position continuously for a period of not less than eighteen years.

Section 2. That upon the date upon which this Act becomes effective, any such person affected by its terms shall be placed forthwith upon the employment roster and in the Classified Service of the countywide Civil Service System of Mobile County without such person standing any examination provided by the laws and rules governing such countywide Civil Service System. Any person who in the future shall have held such position for

such period shall likewise be placed upon such roster, and in such service. In placing any person affected by the provisions of this Act upon the employment roster and in the Classified Service of the countywide Civil Service System of Mobile County such position shall be allocated to the appropriate class and salary level to reflect recognition of the fact that such position exceeds in authority and responsibility any other position under the authority of the Tax Assessor of Mobile County. In no event shall such person be placed in a pay step with a remuneration less than the remuneration which such person is receiving upon his being placed upon the roster and in the Classified Service of such Civil Service System.

Section 3. That nothing in this Act shall be construed as abridging the power of a Tax Assessor to appoint a Chief Clerk in his office without reference to any Civil Service System, whenever such position is not held by any such person as is hereinabove described.

Section 4. That all laws or parts of laws, general or local, in conflict with this Act are hereby repealed.

Section 5. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 13, 1959.
Time: 11:19 A. M.

Act No. 423

H. 679—Roberts, Callahan, Dodd, Grant

AN ACT

To require the state department of education to furnish free textbooks to pupils and teachers in classrooms or schools conducted under the supervision of the Alabama state hospitals.

Be It Enacted by the Legislature of Alabama:

Section 1. The state department of education shall purchase and furnish state-owned adopted textbooks for the pupils and teachers in classrooms and schools operated under the jurisdiction and supervision of the Alabama state hospitals. Such purchases shall be made from appropriations to the state department of education for the purchase of textbooks to be furnished free in the first six grades in the tax supported public schools of the state. The state board of education may make and enforce regulations for the proper care and accounting for such state-owned textbooks.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect October 1, 1959, or imme-

diately upon its enactment if enacted after such date.

Approved November 13, 1959.

Time: 11:20 A. M.

Act No. 424

H. 700—Harris, Meade

AN ACT

To provide for the designation by the state highway department of the bridge on Alabama Highway No. 35 across Little River at the DeKalb County-Cherokee County line as the "G.E. Hill Bridge."

Be It Enacted by the Legislature of Alabama:

Section 1. The state highway department, or the director thereof, shall designate, or cause to be designated, the bridge on Alabama Highway No. 35 across Little River at the DeKalb County-Cherokee County line as the "G.E. Hill Bridge." The department, or the director thereof, shall cause to be affixed to the bridge, at each entrance thereof, appropriate signs or markers indicating the designated name of the bridge.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 11:21 A. M.

Act No. 425

H. 701—Harris

AN ACT

To provide for the designation by the state highway department of certain highways in DeKalb County as "Desota Parkway."

Be It Enacted by the Legislature of Alabama:

Section 1. The state highway department, or the director thereof, shall designate the following route in DeKalb County as "Desota Parkway," to wit: Beginning at a point on the western brow of Lookout Mountain where county road No. 99 intersects Alabama State Highway 35; thence northwestward along said county route No. 99 via Desota State Park headquarters and the paved road through Desota State Park; thence continue through the main entrance to Desota State Park and along the paved road to the top of Tutwiler Gap; thence continue down the side of Lookout Mountain along said Tutwiler Gap to a point of ending at State Highway No. 117.

The state highway department shall mark, or cause to be marked, with appropriate markers and signs, on the shoulders of

the highways constituting the "Desota Parkway," the name of the route herein designated.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 11:22 A. M.

Act No. 426

H. 758—Callahan, Ferguson, Hocklander,
Trimmier

AN ACT

To provide for the manner of payment, disposition and use of purchase money paid or payable for sale of any lands belonging to the State of Alabama for the use of the Insane of the State, situated in Mount Vernon Barracks Military Reservation, in Mobile County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The purchase money for the sale, under authority of Section 57, Title 47, Code of Alabama, 1940, or under any other provision of law, of any lands situated in the Mount Vernon Barracks Military Reservation in Mobile County, Alabama, heretofore set apart for the use of the Insane of the State under the name of the Mount Vernon Hospital by Act of the Legislature, approved December 11, 1900, shall inure solely to the benefit of the Alabama State Hospitals and shall in each instance be payable and paid by the purchaser thereof directly to said Alabama State Hospitals; provided, however, the proceeds of any and all such sales shall be devoted to and used by Alabama State Hospitals exclusively for the construction and/or maintenance of permanent improvements on lands remaining unsold in the Mount Vernon Barracks Military Reservation or on lands hereafter acquired by or set apart for the use of the Institution now known as Searcy Hospital.

Section 2. All laws or parts of laws in conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 11:23 A. M.

Act No. 427

H. 777—Owens

AN ACT

To provide further for enforcement of highway traffic control laws and rules of the road by deputy sheriffs in counties having a population

of not less than 18,700 nor more than 19,000, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The deputies of the sheriff of any county having a population of not less than 18,700 nor more than 19,000, according to the most recent federal decennial census, whose compensation is paid by the county, shall be responsible for enforcement within the county of highway traffic control laws and rules of the road enacted into law, in such measure as the sheriff may determine. When any such deputy is assigned to traffic law enforcement, his compensation that is payable by the county may be paid entirely or partly from the county highway traffic control fund, as the county governing body may prescribe.

Section 2. All laws and parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 6:57 P. M.

Act No. 428

H. 799—Johnson (Tallapoosa), Torbert,
Turnham, Adams (Tallapoosa)

AN ACT

To provide an allowance to each official court reporter of the circuit courts in the Fifth Judicial Circuit payable by the counties composing said circuit to reimburse him for expenses incurred in the performance of his official duties.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be paid to each official court reporter of the circuit courts in the Fifth Judicial Circuit, by the counties composing the circuit, an allowance to reimburse him for expenses incurred in the performance of his official duties. Such allowance shall be four hundred dollars (\$400) a year. The allowance herein provided for shall be paid monthly from the general funds of the several counties composing the Fifth Judicial Circuit, proportionately, on the basis of value of the property in such counties as assessed for state taxation for the preceding tax year.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the month next following its passage and approval by the Governor, or its otherwise becoming a law.

Approved November 13, 1959.

Time: 6:58 P. M.

Act No. 429

H. 836—Franklin

AN ACT

Relating to counties having a population of less than 11,800, according to the last or any subsequent federal decennial census; to authorize the court of county commissioners, board of revenue or other like governing body to designate deputy sheriffs as county traffic control officers and to provide for the payment of their compensation, in whole or in part, from the public highway and traffic control fund.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only to counties having a population of less than 11,800, according to the last or any subsequent federal decennial census.

Section 2. It being the duty of the chief deputy sheriff and any other deputy sheriffs to enforce state traffic and motor vehicle laws, the court of county commissioners, board of revenue, or other like governing body is hereby authorized to designate the chief deputy and any other deputy sheriffs, whose compensation is paid by the county according to law, as a county traffic control officer. In its discretion, the county governing body may provide for the payment of the compensation of the deputy sheriffs so designated as traffic control officers, in whole or in part, from the public highway traffic and control fund.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 7:00 P. M.

Act No. 430

H. 841—Cook

AN ACT

To alter, rearrange and extend the boundaries of the Town of Kinston in Coffee County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the Town of Kinston in Coffee County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality all of the following described lands, lying and being in Coffee County, Alabama, to-wit:

S $\frac{1}{2}$ of SE $\frac{1}{4}$, Section 7; S $\frac{1}{2}$ of S $\frac{1}{2}$, Section 8; SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 9; W $\frac{1}{2}$ of W $\frac{1}{2}$, Section 16; N $\frac{1}{2}$ of Section 17; N $\frac{1}{2}$ of S $\frac{1}{2}$, Section 17, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 17; E $\frac{1}{2}$ of Section 18; E $\frac{1}{2}$ of Section 19; E $\frac{1}{2}$ of E $\frac{1}{2}$, Section 20; S $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 20, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 20; W $\frac{1}{2}$ of W $\frac{1}{2}$, Section 21; W $\frac{1}{2}$ of NW $\frac{1}{4}$, Section 28, N $\frac{1}{2}$ of Section 39; NE $\frac{1}{4}$ of Section 30. All in Township 3N, and Range 19E.

Section 2. All farm land annexed to the Town of Kinston by this Act, together with the improvements thereon and the appurtenances thereunto appertaining, shall be exempt from all ad valorem taxation by the Town of Kinston during the time such property is used for farming purposes.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.
Time: 7:01 P. M.

Act No. 431

H. 842—Dodd

AN ACT

To amend further Act No. 147, H. 472, approved July 17, 1947, entitled "An act to provide for the appointment of a deputy clerk of the Circuit Clerk of Lawrence County and to prescribe the duties and fix the compensation of such deputy" (Local Acts, 1947, p. 86).

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 147, H. 472, approved July 17, 1947, entitled "An Act to provide for the appointment of a deputy clerk of the Circuit Clerk of Lawrence County and prescribe the duties and fix the compensation of such deputy" (Local Acts, 1947, p. 86), as amended, is amended further to read as follows:

"Section 1. That the Clerk of the Circuit Court of Lawrence County, Alabama be and he is hereby authorized to appoint a

deputy clerk for said court and said deputy clerk shall hold office at the pleasure of said Circuit Clerk and shall receive a salary of not less than \$250.00 or more than \$300.00 per month, to be fixed by the governing body of Lawrence County, Alabama, and to be paid out of the General Fund of Lawrence County, Alabama. Said deputy clerk shall possess all the powers and authority both ministerial and judicial now or hereafter possessed by the said Circuit Clerk, and shall also be deputy Register at such time as the clerk of the Circuit Court of Lawrence County, Alabama, is authorized to perform the duties of the register of said court."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved November 13, 1959.

Time: 7:02 P. M.

Act No. 432

H. 870—Meade

AN ACT

To amend an act approved September 1, 1939, authorizing the governing body of Cherokee County to levy and collect a gasoline tax (Act No. 314, H. 700, Local Acts 1939, p. 200) so as to exclude diesel fuel as a taxable fuel under the act.

Be It Enacted by the Legislature of Alabama:

Section I of the act approved September 1, 1939, authorizing the governing body of Cherokee County to impose an excise tax on gasoline (Act No. 314, H. 700, Local Acts 1939, p. 200) is hereby amended to read as follows:

"Section I. The term 'gasoline' as used in this Act shall include gasoline naphtha, and other liquid motor fuels or any devices or substitutes therefor commonly used in internal combustion engines, provided that nothing contained in this Act shall apply to those products commonly known as kerosene oil, fuel oil, and crude oil used for lighting or heating purposes, nor to diesel fuel used in diesel engines. The term 'person' means and includes every person, corporation, copartnership, company agency or association singular or plural. The term 'distributor' shall include any person who shall engage in the selling of gasoline as herein defined in Cherokee County, by wholesale, in domestic trade, but shall not apply to any transaction by such distributor in interstate commerce. The term 'retail dealer' shall include any person herein defined as the distributor who is also engaged in the sale of gasoline as herein defined at any place in Cherokee County in broken quantities. The term 'storer' as used herein shall include any person who ships gasoline into Cherokee County in tank

quantities and stores the same and withdraws or uses same for any purpose."

Approved November 13, 1959.

Time: 7:08 P. M.

Act No. 433

H. 871—Gilmer, Hardy, Hain

AN ACT

To amend Act No. 194 which was duly passed at the Regular Session, 1957, Legislature of Alabama, Vol. I, Acts of Alabama, Regular Session 1957, pp. 245-254, and which said Act did create and establish in Dallas County a Court known as the Dallas County Court.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2 and 24 of Act No. 194, H. 448, approved August 13, 1957, an act creating and establishing the Dallas County Court (Acts, 1957 Regular Session, Vol. I, p. 245), are hereby amended to read as follows:

"Section 2. The Dallas County Court shall have jurisdiction in all civil matters over which justices of the peace of Dallas County have jurisdiction under the general laws of the State of Alabama, concurrently with the several justices of the peace in the county; and, in addition thereto, the Court shall have jurisdiction concurrently with the Circuit Court of Dallas County, of all matters, suits and actions at law in which the amount involved exceeds the jurisdiction of the justice of the peace but is not more than the sum of \$500.00, exclusive of the interest, costs and attorney's fees. The Court shall have original jurisdiction, concurrently with the Circuit Court of Dallas County, of all misdemeanors committed in Dallas County; and it shall have preliminary jurisdiction of all felonies and of bastardy and of other criminal and quasi-criminal proceedings cognizable in justice of the peace Courts; the Dallas County Court shall have and exercise exclusive and original jurisdiction of all cases arising under Article 3 of Chapter 4 of Title 34, Code of Alabama of 1940, any provision of law to the contrary notwithstanding. The jurisdiction of the Dallas County Court shall be coextensive with the County. Said Court shall not have jurisdiction of cases arising under the Workman's Compensation law.

"Section 24. (a) All proceedings in the court hereby established as to judgment for fines and costs, confession of judgment and executions thereon, sentences to jail or hard labor, for fines and costs and as additional punishment, bail, conditional judgments, forfeitures, judgments, final and alias warrants of arrest, shall be the same as are now or may hereafter be provided by law in the circuit courts; and conditional judgments may be set

aside in this court; reduced, or made absolute, and the same orders and judgments may be made and taken in such matters as could be made or taken in the circuit court; and the same procedure shall be followed, except as otherwise provided by the act.

“(b) In any civil proceeding, a defendant must demur, plead or answer within fifteen days after the service of the summons, or within fifteen days after the date of receipt by the Clerk of a return receipt showing that the defendant has been served by registered mail, or within fifteen days after the period specified in an order of publication if service by publication was ordered and has been perfected.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 7:07 P. M.

Act No. 434

H. 877—Hankins

AN ACT

To alter, rearrange and extend the corporate limits of the Town of Millport, Lamar County, Alabama:

Be It Enacted by the Legislature of Alabama:

Section 1. That the corporate limits of the Town of Millport, Lamar County, Alabama, be altered, rearranged and extended to include the following territory:

The S $\frac{1}{2}$ of the NE $\frac{1}{4}$, the S $\frac{1}{2}$ of the NW $\frac{1}{4}$, the SW $\frac{1}{4}$, and the SE $\frac{1}{4}$ of Section 22, all of Section 23, the N $\frac{1}{2}$ of Section 26 and the N $\frac{1}{2}$ of Section 27, Township 17 South, Range 15 West, in Lamar County, Alabama.

Section 2. That all laws and parts of laws, general, special and local, in conflict with this Act, be and the same are hereby repealed.

Section 3. This Act shall go into effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 7:03 P. M.

Act No. 435

H. 881—Murphy, Hocklander

AN ACT

To require the Director of the State Department of Public Safety

to notify the Commissioner of Licenses of Mobile County upon the suspension or revocation of the permanent driver license of any resident of Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the revocation or suspension by the Director of the State Department of Public Safety of the permanent driver license of any resident of Mobile County, or upon notification to the State Department of Public Safety by any trial court of this State that the permanent driver license of any resident of Mobile County has been revoked or suspended, the Director of Public Safety shall notify the Commissioner of Licenses of Mobile County, within five days thereafter, of such revocation or suspension.

Section 2. A certified copy of such notice from the Director of Public Safety shall be admissible in any court in Mobile County as conclusive proof of the fact that the party referred to therein has had his driving privileges revoked.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 7:04 P. M.

Act No. 436

H. 883—Trimmier

AN ACT

To amend Section 41, Title 62 of the Code of Alabama, 1940, as amended by Act 412 of the Regular Session 1947, of the Legislature of Alabama, approved September 19, 1947.

Be It Enacted by the Legislature of Alabama:

That Section 41, Title 62, of the Code of Alabama, 1940, as amended by Act 412 of the Regular Session of the Legislature of Alabama 1947, and approved September 19, 1947, be and the same is hereby amended to read as follows:

Section 41. Compensation of the County Treasurer—The salary of the County Treasurer in the County of Mobile shall be Nine Thousand (\$9000.00) Dollars per annum, payable in equal monthly installments from the County Treasury on warrants drawn by the President or Chairman of the County governing body.

Approved November 13, 1959.

Time: 7:05 P. M.

Act No. 437

H. 886—Jones (Covington)

AN ACT

To abolish the jury board of Covington County and to create in lieu thereof a commission composed of nine members appointed by the Governor; to provide a clerk for the jury commission and to prescribe his duties and compensation; and to prescribe the functions, authority, duties, and compensation of the jury commissioners appointed hereunder.

Be It Enacted by the Legislature of Alabama:

Section 1. The jury board of Covington County created by Act No. 37, H. 132, approved May 23, 1951 (Acts of Alabama, 1951, p. 244), is hereby abolished; and there is established in lieu thereof a commission to be composed of nine members appointed by the Governor for terms to run concurrently with his own term of office. Two members of the commission shall be appointed for each of the commissioners' districts of the county and one member shall be appointed for the county at large. The members that are appointed for the several districts must be residents and qualified electors of the districts for which they are appointed. The other member shall be a resident and qualified elector of the county.

Section 2. The clerk of the circuit court of Covington County, at his election, shall serve as clerk of the jury commission hereby created. If he fails to accept or to serve or shall resign, the commission shall name another clerk, who shall serve at the pleasure of the commission. The clerk shall file an oath of office with the judge of probate of Covington County, and the filing and recording fees thereon shall be paid from county funds. The clerk shall keep the records and minutes of the commission, and shall perform all the duties imposed by the general laws of Alabama on clerks of jury commissions. The clerk shall be paid the sum of fifty dollars (\$50.00) each calendar year, and in addition thereto the sum of eight cents (8c) for each name that lawfully appears on the jury roll in any calendar year. The compensation of the clerk shall be paid from the general funds of the county, but the claim of the clerk for such compensation shall be approved by the president of the commission before payment.

Section 3. Except as otherwise provided herein, the jury commissioners herein provided for shall have the same function and authority, shall perform the same duties, and shall receive the same compensation as provided for jury commissioners under the general laws of this State.

Section 4. All laws or parts of laws which conflict with this Act are repealed. Act No. 37, H. 132, approved May 23, 1951 (Acts of Alabama, 1951, p. 244), is expressly repealed.

Section 5. This Act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 7:06 P. M.

Act No. 438

H. 889—Jones (Covington)

AN ACT

To amend Section 2 of an act approved August 31, 1953, providing a special fund for the payment of certain expenses incurred by the solicitor or judge of the Twenty-second Judicial Circuit (Act No. 460, H. 856, Acts of Alabama 1953, Vol. 1, p. 564).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of the act approved August 31, 1953, providing a special fund for the payment of certain expenses incurred by the solicitor or judge of the Twenty-second Judicial Circuit (Act No. 460, H. 856, Acts of Alabama 1953, Vol. 1, p. 564) is amended to read as follows:

“Section 2. The circuit solicitor of the Twenty-second Judicial Circuit, with the written approval of the chairman or president of the court of county commissioners, board of revenue, or other like county governing body, may make expenditures from the fund for the payment of all expenses necessarily incurred by him in the discharge of the duties of his office or in promoting its welfare, including expenditures for supplies, postal service, fixtures, and facilities. Provided, that no requisition shall be made on the fund in any county of the circuit not sharing in the benefits flowing from such expenditure.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 7:09 P. M.

Act No. 439

H. 891—Nichols, Camp

AN ACT

To authorize any municipality in Talladega County, Alabama, and Talladega County, to make appropriations of moneys and transfers of property to or for the benefit of any public hospital corporation now or hereafter organized in Talladega County, Alabama, under Act No. 211, adopted at the 1945 Regular Session of the Legislature of Alabama, Act No. 46 adopted at the 1949 Regular Session of said Legislature, or Act No. 63 adopted at the 1957 Regular Session of said Legislature; to authorize agreements between Talladega County or any municipality lo-

cated in Talladega County and any such public hospital corporation located in Talladega County whereunder such corporation will agree to make available hospital space to inhabitants of such agreeing municipality or Talladega County, and whereunder such agreeing municipality or Talladega County will agree to make monthly or annual payments to such corporation; and to provide that any appropriations made hereunder and any payments provided for in any such agreements shall be deemed revenues of the public hospital corporation receiving them, within the meaning of said Act No. 211 and said Act No. 46 and any other applicable statute, and may be pledged as security for obligations of the public hospital corporation pursuant to the provisions of said statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words when used herein shall have the following respective meanings: "Local subdivision" means Talladega County or any municipal corporation in Talladega County. "Hospital corporation" means any of the following: (1) a hospital association in Talladega County heretofore or hereafter organized under the provisions of Act No. 211 adopted at the 1945 Regular Session of the Legislature of Alabama, as originally adopted or as at any time heretofore or hereafter amended; (2) a hospital board heretofore or hereafter organized under the provisions of Act No. 46 adopted at the 1949 Regular Session of the Legislature of Alabama, as originally adopted or as at any time heretofore or hereafter amended; and (3) any corporation heretofore or hereafter organized or created pursuant to the provisions of Act No. 63 adopted at the 1957 Regular Session of the Legislature of Alabama, as originally adopted or as at any time hereafter amended.

Section 2. Appropriations and Transfers of Property to Hospital Corporations. Any local subdivision may make an appropriation or appropriations of money, and may transfer and convey property with or without pecuniary consideration, to or for the benefit of any hospital corporation; provided, that no such appropriation of money or transfer of property shall be made unless the governing body of such local subdivision shall by resolution or ordinance have authorized such appropriation or transfer, as the case may be.

Section 3. Agreements between Local Subdivisions and Hospital Corporations. Any local subdivision and any hospital corporation shall have the power to enter into agreements with each other whereunder the hospital corporation will agree to make and keep available hospital space to regular paying patients and indigent patients, or either, who are inhabitants of such local subdivision, the space to be made and kept available to be of such character and of such extent and the number and types or classifications of such patients to be as may be specified in such agreement, and whereunder the local subdivision shall agree, in consideration of the availability of such space, to pay to such hospital corporation such amounts of money, either monthly or annually,

as may be specified in such agreement; provided, that no such agreement shall be entered into unless authorized by the governing body of the local subdivision and by the board of directors or other governing body of the hospital corporation; and provided, further, that no such agreement shall extend for a period longer than ten years from its effective date. Any such agreement may, in the discretion of the parties thereto, include a provision making the availability of space thereunder subject to suspension in situations of unusual emergency.

Section 4. Moneys Paid Hereunder to Hospital Corporation Deemed Revenues of Corporation Within Applicable Statutes. Any moneys appropriated by a local subdivision to a hospital corporation hereunder or provided in any agreement entered into hereunder to be paid by a local subdivision to a hospital corporation shall be deemed to constitute revenues of the hospital corporation within the meaning of Section 12 of said Act No. 211, and Section 8 of said Act No. 46, and any other statute dealing with or affecting pledges of the revenues of a hospital corporation; and may be specially pledged by the hospital corporation as security for its obligations issued under authority of said Act No. 211, said Act No. 46, or other applicable statute, pursuant to and in accordance with the provisions of any of said statutes respecting pledges of the revenues of a hospital corporation.

Section 5. Severability. If any provision or portion of this act should for any reason be held invalid by any court of competent jurisdiction, the holding of such invalidity shall not affect any other provisions or portions of this act, all of which shall continue effective.

Section 6. Effective Date. This act shall become effective immediately upon its passage by the Legislature and approval by the Governor or upon its otherwise becoming law.

Approved November 13, 1959.

Time: 7:16 P. M.

Act No. 440

H. 904—Owens

AN ACT

Relating to Crenshaw County; providing for the reidentification of all registered voters; directing the board of registrars to purge the list of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Crenshaw County is hereby directed to purge all lists of the qualified electors in Crenshaw County to the end that the names of all who are deceased or

non-residents of the county, or who have otherwise become disqualified from voting therein, shall be removed from such lists and to the end that the name of each qualified elector shall appear only on the list of qualified electors for the district and precinct in which he resides.

Section 2. The board of registrars of Crenshaw County shall omit and remove from the lists of qualified electors in the county the name of every person who fails to reidentify himself in one of the ways hereinafter provided before the first day of October, 1961. Any person removed from the list of qualified electors as herein provided shall cease to be a qualified elector until such person shall again register and qualify as an elector as provided by law for original registration.

Section 3. A voter may reidentify himself in any one of the following ways:

(a) A voter may reidentify himself by appearing in person at the office of the board of registrars or the judge of probate of Crenshaw County, or before one of the duly authorized employees of the judge of probate, and answering such questions and submitting such proof as may be set forth hereinafter to establish the voter's identity and place of legal residence and that the voter has not become disqualified from voting in the county.

(b) A voter may also reidentify himself at any election at which the voter votes prior to October 1, 1961, by answering and signing the questionnaire hereinafter provided for, in the presence of a clerk, manager, inspector, or returning officer at such election who also shall sign the questionnaire as an attesting witness. The returning officer shall transmit each signed questionnaire to the judge of probate for transmittal to the board of registrars.

(c) A voter who is on active duty in the Army, Navy or Air Force of the United States, or the husband or wife of a member of the Armed Forces on active duty, may also reidentify himself or herself by filling in and mailing to the office of the judge of probate the completed answers to such questions as are set forth in the questionnaire hereinafter detailed, and the voter's signature to such questionnaire must be witnessed by a commissioned officer of the Army, Navy, or Air Force.

(d) The questionnaire shall be in substantially the following form:

VOTERS REIDENTIFICATION QUESTIONNAIRE

Crenshaw County, Alabama

Date: _____, 19____

Name: _____
 (First) (Middle) (Last)

Legal Residence Address: _____
 _____ (Street or Route)

City or Town: _____

State: _____

Date of Birth: _____ Sex _____ Color _____

I now vote and I am a qualified elector in Precinct or Beat No. _____, and I have not been disqualified from voting in the county.
 Signed: _____

 (Signature of Voter)

Witnessed before me this the _____ day of _____, 19____.

 Registrar—Judge of Probate—Election Official—
 Commissioned Officer U. S. Armed Forces.

Section 4. Any qualified elector of Crenshaw County who shall have his or her name omitted or removed from the list of qualified electors in the county by reason of his or her failure to reidentify himself or herself as hereinabove provided, or whose name is otherwise purged therefrom, shall be entitled to have his or her name restored to the list of qualified electors by appearing in person at the office of the board of registrars and qualifying and registering again as a voter as is now or may be hereafter provided by law.

Section 5. Any person who makes a willfully false statement in answer to the reidentification questionnaire to the board of registrars or the judge of probate or the duly authorized employees of the judge of probate or to the clerk, manager, inspector or returning officer or to the commissioned officer of the United States Army, Navy, or Air Force shall be guilty of perjury and upon conviction shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years.

Section 6. The court of county commissioners, board of revenue, or like governing body of Crenshaw County, is hereby authorized and directed to furnish the board of registrars and the judge of probate the supplies, equipment, printed forms, stationery, stamps, clerical help and publicity necessary for the reidentification of voters as herein provided.

Section 7. The board of registrars of Crenshaw County shall retain as a public record in the office of the judge of probate for ten years all completed questionnaires, and shall file the same in alphabetical order showing all qualified electors registered by precincts or districts, or other subdivisions thereof, or where any precinct has been divided or subdivided, if not within a city or town, and by wards or other subdivisions, if within a city or incorporated town.

Section 8. The provisions of this Act are severable. If any

part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 7:10 P. M.

Act No. 441

H. 905—Owens

AN ACT

To provide for the payment of certain expenses of the county or deputy solicitors of all counties having a population of not less than 18,700 nor more than 19,000, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The county or deputy solicitors of all counties having a population of not less than 18,700 nor more than 19,000, according to the most recent federal decennial census, shall be entitled to reimbursement for expenses incurred in the performance of their duties, by the employment of secretarial or clerical assistants or otherwise, in the amount of one hundred fifty dollars a month, to be paid from the general funds of the county at the end of each month on warrants drawn in the manner prescribed by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 7:11 P. M.

Act No. 442

H. 919—Murphy, Hocklander

AN ACT

Directing the Secretary of State to transmit to the Commissioner of Licenses of Mobile County copies of all acts of the Alabama Legislature when printed in slip or pamphlet form, the bound volumes of such acts when printed for distribution in bound form, and the cumulative pocket supplements to the Code of Alabama (1940).

Be It Enacted by the Legislature of Alabama:

Section 1. The Secretary of State shall cause to be delivered to the Commissioner of Licenses of Mobile County copies of all

acts of the Alabama Legislature when printed in slip or pamphlet form, the bound volumes of such acts when printed for distribution in bound form, and the cumulative pocket supplements to the Code of Alabama (1940). Such pamphlet acts, bound acts, and cumulative code pocket supplements shall be delivered to the Commissioner of Licenses of Mobile County at the same time and in the same manner as they are delivered to judges of probate and other county officers under the laws of this State.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 7:13 P.M.

Act No. 443

H. 923—Brewer, Dodd, Turner, Gilchrist

AN ACT

To provide for the creation of the Tri-County Regional Planning Commission with jurisdiction in Morgan, Lawrence and Limestone Counties, to provide for its composition, organization, rules, procedure, appropriations, membership, terms of office, powers and duties, and for the adoption of a regional plan by such commission.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the Tri-County Regional Planning Commission which shall have jurisdiction for planning purposes in the counties of Lawrence, Limestone and Morgan Counties and shall be comprised of nine members, three from each County, who shall hold office for a term of six years, except that the respective terms of three of the members first selected as hereinafter provided shall be for two years, and the terms of three of such members first selected shall be four years, and said members shall serve without compensation, and any vacancies in said commission shall be filled by the authority appointing the member filling such vacant position.

Section 2. Except as otherwise provided in this act the provisions of Article 3, Title 37, 1940 Code of Alabama, relative to the organization, rules, staff, finances, procedure and miscellaneous powers and duties of municipal planning commissions shall apply to this commission.

Section 3. Said commission is hereby authorized and empowered to make, adopt, amend, extend, and add to a master regional plan for the physical development of the three Counties comprising the region of this commission, and such plan shall be based on

comprehensive studies of the present and anticipated development of the region with regard to its relation to neighboring regions and to the state as a whole. Such plans, including such maps, charts, diagrams and descriptive matter as may be adopted, shall show the commission's recommendations for the physical development of the region and may include among other things the general location, extent and character of streets, parks and other public ways, grounds and open spaces, public buildings, and public properties and public utilities which affect the development of the region as a whole, and also the general location of forests, agricultural and open development areas for purposes of conservation, water supply, sanitary and drainage facilities, industrial use and development, and also a zoning plan for the control of the height and area, location, and use of buildings and premises; such master plan shall be made with the general purpose of guiding a coordinated, adjusted and harmonious development of the region and of public improvements and utilities and which will best promote the health, safety, morals, convenience, prosperity and general welfare of the region.

Section 4. The commission, after adopting the regional plan, shall certify a copy thereof to each municipality and to the governing body of each County comprising the region, and such plans shall be ratified and approved by the County governing body of the several counties comprising said region. Amendments to said plan shall be ratified and approved in like manner.

Section 5. Any five members of the commission shall constitute a quorum for the transaction of business, and the chairman of the commission shall be elected by the members of the commission and shall serve a term of four years unless his term as a member of the commission shall sooner expire in which case his term as chairman shall expire simultaneously with his membership on the commission, and the commission shall likewise elect a vice-chairman and a secretary-treasurer who shall serve like terms as the chairman and on the same terms and conditions.

Section 6. Each county comprising the Commission may appropriate a sum not exceeding one thousand dollars (\$1,000.00) per year to said Commission for its expenses in carrying out the provisions of this act, which appropriation shall be paid by the governing body of each county to said Commission on or before the first day of October of each year following the effective date of this act; and said Commission may hire such personnel, legal and otherwise, as it may deem necessary or expedient in carrying out the provisions of this act.

Section 7. Said commission shall have all the powers and authority heretofore conferred on private corporations by the laws of Alabama, may sue and be sued, may take part as a party liti-

gant in any suit at law or action in equity in any court of competent jurisdiction in this state, may adopt such rules and regulations as are not inconsistent herewith for its management and control, may spend public funds for the purposes outlined herein, and shall take such actions and have such powers as may be necessary to enforce the authority and duties imposed upon it by this act.

Section 8. The members of said commission shall be appointed by the governing bodies of the three counties comprising this region for the terms hereinabove provided, and vacancies shall be filled in like manner for the unexpired term of the office becoming vacant.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 7:14 P. M.

Act No. 444

H. 924—Gilchrist, Brewer

AN ACT

To provide for payment by the county of expenses incurred in the operations of the office of county superintendent of education, county commissioner of education, commissioner of public instruction, commissioner of public schools, or other like officer of all counties having a population of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of two thousand dollars (\$2,000), or so much thereof as may be necessary, is hereby appropriated from the general funds of all counties having a population of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census, for the purpose of paying the expenses incurred by the county superintendent of education, commissioner of public schools, commissioner of public education, commissioner of public instruction, or other like officer in such counties, for office furniture and furnishings, office equipment, stationery, postage, forms, telephones, and office supplies.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 7:15 P. M.

AN ACT

To establish the Winston County Court of Law and Equity in lieu of the court established by Act No. 242, H. 101, approved August 16, 1955 (Acts of Alabama, Regular Session 1955, vol. I, pp. 553-559); to define the jurisdiction and powers of said court, provide for its officers, their appointment, election, term of office, powers, duties, and compensation, and to provide that the court shall be open at all times for the transaction of business, and to authorize the judge to fix the time of holding sessions for the trial of cases; to empower the court to prescribe its own rules of pleading, practice, and procedure, and to give such rules the force and effect of law; to abolish the court established by said Act No. 242 of August 16, 1955, and provide for the transfer of all cases pending therein to the court hereby established.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby established in and for Winston County a court to be known as the Winston County Court of Law and Equity. The court shall be in lieu of the court established pursuant to Act No. 242, H. 101, approved August 16, 1955 (Acts of Alabama, Regular Session 1955, vol. I, pp. 553-559), which is hereby abolished.

Section 2. (a) The Winston County Court of Law and Equity shall be a court of record and shall have and exercise the following jurisdiction, powers, and authority:

1. It shall have exclusive jurisdiction of all matters triable in the county court under general laws.

2. It shall have unlimited jurisdiction concurrent with the circuit court of Winston County of all civil and equity matters, including the power and authority to grant divorces, either limited or absolute, to award alimony and effect property settlements in connection with such divorces, and to determine the custody of children.

3. It shall have jurisdiction concurrent with the justices of the peace of Winston County of bastardy proceedings.

4. It shall have jurisdiction of all matters, causes, cases, or proceedings involving juveniles to the same extent as juvenile courts provided for by general laws.

5. It shall have power to issue all special and extraordinary writs that the circuit courts or the judges thereof are authorized to issue, and shall have all other powers and authority that are, or that may hereafter be conferred upon the circuit courts or the judges thereof, including the power to punish for contempt, unless otherwise provided in this Act.

(b) In all civil and equity cases in which both parties to the action are present in court, either in person or by attorney, if

no specific objection to the jurisdiction of the court is raised by the defendant by plea, answer or demurrer, the jurisdiction of the court shall be deemed complete and cannot thereafter be questioned in any other court for any cause.

Section 3. A judge for the Winston County Court of Law and Equity shall be elected at the general election of state officers in November 1964, and every six years thereafter, to hold office for a term of six years from the first Monday after the second Tuesday in January next following his election. The judge shall be entitled to a compensation of Seven Thousand Two Hundred dollars a year, payable in equal monthly installments from the county treasury on warrants drawn in the manner prescribed by law. The judge of the court, before entering upon the duties of the office, shall take the oath prescribed by law to be taken by judges of the circuit courts. The judge shall be a qualified elector of Winston County not less than twenty-five years of age, shall be learned in the law and shall have been licensed to practice law in the State of Alabama for at least five years next preceding his election or appointment. The judge shall not practice law in any of the courts of this State or the United States during his term of office. The judge may be removed from office in the manner and for the causes provided by law for the removal of circuit judges. Any vacancy occurring during the term shall be filled by the Governor for the unexpired term. The incumbent judge of the court abolished by this Act shall be the judge of the Winston County Court of Law and Equity until his successor is elected and assumes office as provided in this section.

Section 4. (a) The clerk of the circuit court of Winston County shall be ex officio clerk of the Winston County Court of Law and Equity and shall have the same powers and discharge the same duties as the clerks of the circuit courts. He shall be subject to the same pains and penalties with regard to the duties of the office, shall be entitled to the same fees, commissions, and emoluments as are now, or as may hereafter be allowed the circuit clerks of Alabama, which shall be collected as such fees and commissions are collected in the circuit courts, except that in civil matters where suit is brought for 100 dollars or less, only the fees and commissions allowed by law to justices of the peace shall be collected.

(b) The register of the circuit court of Winston County shall be ex officio register of the Winston County Court of Law and Equity and shall have the powers and discharge the duties which shall devolve upon the register of the court. He shall be subject to the same pains and penalties with regard to the duties of the office, shall be entitled to the same fees and commissions as are now, or as may be hereafter allowed to the registers of circuit courts in equity, which shall be collected as such fees and commissions are collected in circuit courts.

(c) A special filing fee of 10 dollars shall be collected in each divorce case brought in the Winston County Court of Law and Equity. The fee shall be in addition to all fees, trial taxes, and court costs otherwise assessable in the court, and when collected shall be paid into the general fund of the county.

Section 5. The county or deputy solicitor appointed or elected for Winston County shall represent the state in all criminal cases prosecuted in the Winston County Court of Law and Equity.

Section 6. The sheriff of Winston County shall in person, or by deputy or deputies appointed by him, such appointments to be approved by the judge of the court, attend upon the court, preserve order, execute all writs of process and perform such other duties in all respects as in the circuit courts of the state. For such services he shall receive such compensation as he receives under the laws of the state for performing similar services in the circuit court, except as herein otherwise provided.

Section 7. The judge of the court shall appoint a competent person capable of taking down and transcribing the proceedings of the court to be the official reporter for the court. The court reporter shall serve at the pleasure of the judge. His duties shall be the same as those required by general laws of official court reporters for the circuit courts, and he shall receive the same rate of compensation for transcribing the testimony or other proceedings as is now provided for the official court reporter in the circuit courts, and shall also receive the following compensation while he is engaged in taking testimony or other proceedings of the court: five dollars for one-half day or fractional part thereof; and ten dollars for each full day, plus five cents a mile to and from the place of holding the court.

Section 8. The Winston County Court of Law and Equity shall be held at the courthouses in Double Springs and in Haleyville and shall be open at all times for the transaction of business. In case of sickness or disqualification of the judge of the court, a special judge shall be appointed in the same manner that special judges are appointed in the circuit courts. The judge of the court shall keep an office at such suitable place as may be provided by the court of county commissioners, board of revenue, or other like governing body of Winston County. It shall be the duty of the governing body of Winston County to provide such office and supply the same with telephone service and office supplies. Such office furniture, furnishings, fixtures, law library, and equipment as may be necessary to enable the judge of the court efficiently to conduct the affairs of his office shall be provided by the state department of finance.

Section 9. The judge of the court may determine and fix the time of holding sessions of the court for the trial of all cases,

criminal, civil and equity; provided that all cases shall be called for trial at least once every thirty days. However, this section shall not be construed to prevent the continuance of any case in said Court, by agreement of counsel or the parties on good cause shown the court, and when any cause is so continued to a specific time either for a cause shown to the court, or by agreement of the parties or counsel, it shall not be necessary to call said case until the expiration of the time to which it has been continued. And provided further, that the court shall have the right and power to call extraordinary session of said court whenever in the judgment of the court the same is necessary.

Section 10. All cases tried in the Winston County Court of Law and Equity shall be tried by the judge without a jury. The judge shall decide all questions of law and fact. Any party aggrieved by a decision in any civil case cognizable by justices of the peace may appeal at any time within five days after rendition of the judgment, to the circuit court, in the manner provided for appealing judgments rendered by justices of the peace. In any other civil case, if the defendant is entitled to a trial by jury under the Constitution, he may demand a jury trial by endorsement on the initial pleading filed, and thereupon the clerk of the court shall transfer the cause to the circuit court. Upon such transfer, the jurisdiction of the circuit court shall attach in said cause, and the jurisdiction of the Winston County Court of Law and Equity shall cease and terminate. The cause shall then stand regularly for trial in the circuit court. Unless a defendant demands a jury as herein provided, he shall be deemed to have waived a trial by jury; and the court shall make an entry thereof on the record and shall proceed to hear and determine the case.

Section 11. Appeals from judgments of the Winston County Court of Law and Equity in law and equity cases may be taken directly to the Supreme Court or the Court of Appeals in the same manner and within the same time that appeals are now taken from judgments in such cases in the circuit courts of the state.

Section 12. Upon conviction in a criminal case, the defendant shall have the right of appeal to the circuit court of the county, on entering into bond, with sufficient surety, to appear at the term of the court to which the appeal is taken, and from term to term until discharged, the bond to be in such penalty as the judge of the court may prescribe, and to be approved by the judge or clerk of the court. If the defendant does not make the bond required, he shall remain in custody and may, within ten days after taking said appeal, demand a trial by jury in the circuit court, otherwise, said case shall be tried by the court without a jury.

Section 13. All cases on the non-jury docket and all cases on the equity docket now or hereafter pending in the circuit court

of Winston County may, by agreement of the parties thereto, be transferred from the circuit court to the Winston County Court of Law and Equity. Likewise, all cases on the non-jury docket, and on the equity docket now or hereafter pending in the Winston County Court of Law and Equity may by agreement of the parties thereto, be transferred from the Winston County Court of Law and Equity to the circuit court of Winston County. In all cases, non-jury and equity, now or hereafter pending in the circuit court of Winston County, wherein a judgment by default, nil dicit, or decree pro confesso has been rendered, the same may be transferred from the circuit court to the Winston County Court of Law and Equity for final judgment or decree on motion of the plaintiff or complainant. In all cases, non-jury and equity, now or hereafter pending in the Winston County Court of Law and Equity, wherein a judgment by default, nil dicit, or decree pro confesso has been rendered, the same may be transferred from the Winston County Court of Law and Equity to the circuit court, for final judgment or decree on motion of the plaintiff or complainant.

Section 14. The judge of the Winston County Court of Law and Equity shall have plenary power to adopt and enforce rules governing pleading, practice and procedure in the court, including the right to prescribe forms therefor. He may adapt to the needs of the court and incorporate into the rules of the court any or all rules relative to pleading, practice and procedures in the federal courts and the courts of other states, and such rules when adopted and promulgated shall have the force and effect of law, and shall supersede conflicting rules governing pleading, practice and procedure in other courts in the state. The rules of practice and procedure in the circuit courts of the state shall govern the pleadings, practice and procedure in the court hereby established, except as herein otherwise provided.

Section 15. The judge of the Winston County Court of Law and Equity shall adopt a seal for the equity side of the court, which shall be kept in the custody and under the control of the register of the court, and also a seal for the law side of the court, which shall be kept in the custody and under the control of the clerk of the court.

Section 16. It shall be the duty of the clerk of the court to keep a record upon which shall be recorded all affidavits made before the judge or clerk of said court, or returnable by a justice of the peace or judge of an inferior court in the county to the court; and if any affidavit should be lost or destroyed, a certified copy of the record shall be used the same as the original affidavit. For recording each affidavit the clerk shall receive a fee of seventy-five cents to be taxed as costs in case of the defendant's conviction.

Section 17. The jurisdiction and authority of the Law and Equity Court of Winston County, as established by Act No. 242, H. 101, approved August 16, 1955, is hereby transferred to, and shall hereafter be exercised by the Winston County Court of Law and Equity created by this Act. All cases pending in the abolished court when this Act takes effect shall be transferred immediately to the Winston County Court of Law and Equity and proceedings thereon shall continue in all respects as though such cases had been originally brought in said court.

Section 18. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 19. All laws or parts of laws which conflict with this Act are repealed.

Section 20. This Act shall take effect on the first day of the month next following the date of its enactment.

Approved November 14, 1959.

Time: 9:00 A. M.

Act No. 446

H. 935—Guthrie

AN ACT

To provide for the compensation of the deputies or clerks of the tax assessors and tax collectors of all counties having a population of not less than 47,000 nor more than 51,000, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The deputy or clerk appointed by either the tax assessor or the tax collector of all counties having a population of not less than 47,000 nor more than 51,000, according to the most recent federal decennial census, shall be entitled to an annual salary of two thousand four hundred dollars, to be paid in equal monthly installments from the county treasury in the same manner that the salaries of county employees are paid.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 6:30 P. M.

Act No. 447

H. 936—Lee, Thomas

AN ACT

To authorize the court of county commissioners, board of revenue or other like governing body of Barbour County to designate deputy sheriffs as county traffic control officers and to provide for the payment of their compensation, in whole or in part, from the Barbour County public highway and traffic fund.

Be It Enacted by the Legislature of Alabama:

Section 1. It being the duty of the chief deputy sheriff and any other deputy sheriffs of Barbour County to enforce state traffic and motor vehicle laws, the court of county commissioners, board of revenue, or other like governing body of Barbour County is hereby authorized to designate the chief deputy and any other deputy sheriffs, whose compensation is paid by the county according to law, as a county traffic control officer. In its discretion, the county governing body may provide for the payment of the compensation of the deputy sheriffs so designated as traffic control officers, in whole or in part, from the Barbour County public highway and traffic control fund.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 6:31 P. M.

Act No. 448

H. 938—Ashworth

AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the Town of West Blocton, Bibb County, Alabama, so as to annex certain territory to the Town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the Town of West Blocton, Bibb County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the Town the following described territory in addition to the area now embraced within such boundaries and corporate limits, to-wit:

A tract of land located in the Northwest quarter of Northwest quarter of Section 24, Township 22 South, Range 6 West of the Huntsville Principal Meridian, Bibb County, Alabama, having an area of 5.0 acres, more or less, and described as follows: Begin

at the Northwest corner of said Northwest quarter of Northwest quarter of Section 24; thence in an Easterly direction along the North boundary of said Northwest quarter of Northwest quarter 219.0 feet to the beginning of boundary of tract of land herein described; thence turning an angle of 89 degrees and 46 minutes to the right in a Southerly direction 473.48 feet; thence turning an angle of 89 degrees and 46 minutes to the left in an Easterly direction 460.0 feet; thence turning an angle of 90 degrees and 14 minutes to the left in a Northerly direction 473.48 feet to the intersection with the North boundary of said Northwest quarter of Northwest quarter; thence turning an angle of 89 degrees and 46 minutes to the left in a Westerly direction along said North boundary 460.0 feet to the point of beginning.

Section 2. This Act shall become effective immediately from its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.
Time: 6:34 P. M.

Act No. 449

H. 940—Speaks

AN ACT

To extend, alter, and rearrange the boundary lines and corporate limits of the City of Clanton, in Chilton County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Clanton in Chilton County, Alabama, be and the same are hereby extended, altered, and rearranged so as to include within the corporate limits of said City all of the following additional, adjacent territory:

The East Half of the Northwest Quarter of the Southwest Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$ of $SW\frac{1}{4}$), Section Thirty (30), Township Twenty-Two (22), Range Fifteen (15).

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.
Time: 6:35 P. M.

Act No. 450

H. 946—Perry, Locke, Morrow, Hawkins,
Rast, Sessions, Edwards

AN ACT

For the relief of C. D. Chiles; providing that the Board of Managers of the City of Birmingham Retirement and Relief System, established by Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (Acts of Alabama of 1951, Page 1579, et seq.) shall have four months from the effective date of this act in which to take action on C. D. Chiles' pending application for extraordinary disability allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. The purpose of this Act is to provide additional time for the Board of Managers of the City of Birmingham Retirement and Relief System, established by Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951, (Acts of Alabama of 1951, Page 1579), hereinafter referred to as "the Pension Act", in which to determine whether C. D. Chiles, a member of the said Pension System, was injured under such circumstances as to entitle him to the extraordinary disability allowance provided for by Section 14 of the Pension Act, the exigencies of the Chiles case being such as to lead the Legislature to conclude that such additional time should be accorded pursuant to Chiles' petition to the Legislature for additional time, which petition the Legislature has been advised that the said Board of Managers does not oppose.

Section 2. It is hereby provided that the Board of Managers of the City of Birmingham Retirement and Relief System shall have four months from the effective date of this act within which to take action on C. D. Chiles' pending application for the extraordinary disability allowance provided by the Pension Act.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 6:36 P. M.

Act No. 451

H. 947—Morrow, Locke, Sessions, Edwards,
Perry, Hawkins, Rast

AN ACT

To alter, rearrange, and extend the corporate limits of the City of Birmingham, Jefferson County, so as to include within the corporate limits of said City of Birmingham certain additional territory.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the

City of Birmingham, Jefferson County, are hereby altered, rearranged, and extended so as to include within the corporate limits of said City of Birmingham all territory now within such corporate limits and also certain additional territory hereinafter described which is contiguous to the present corporate limits, namely,

A tract of land in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, and NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 30, Township 16 South, Range 1 West, being more particularly described as follows:

Begin at the SE corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 30, Township 16 South, Range 1 West; thence North along the East line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ a distance of 348.76 feet to the point of intersection of said East line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the northwesterly right of way line of the Springville Chalkville Road, said point being the point of beginning; thence continue North along the East line of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ a distance of 45.48 feet to a point in a fence line if extended easterly; thence 88° 36' to the left in a westerly direction in the fence line a distance of 399.3 feet to a fence corner; thence 13° 52' to the right in a northwesterly direction and continuing in said fence line a distance of 851.43 feet to a fence corner; thence 94° 31' to the left in a southwesterly direction in a fence line a distance of 210.81 feet to a point; thence 36° 01' to the right in a fence line a distance of 932.34 feet to a point; thence 123° 04' to the left in a southeasterly direction a distance of 990.33 feet to a point on the northwesterly right of way line of the Springville Chalkville Road; thence 71° 59' 17" to the left (angle measured to the tangent of a curve) in a northeasterly direction along the said northwesterly right of way line of said Springville Chalkville Road in a curve to the right having a radius of 599.1 feet and a central angle of 11° 29' 11" a distance of 120.10 feet to the P. T. (point of tangent of said curve); thence in the tangent to said curve a distance of 350.63 feet to the P. C. (point of a curve); thence in a curve to the right having a radius of 461.38 feet and a central angle of 19° 03' a distance of 153.4 feet to the P. T. (point of tangent of said curve); thence in the tangent of said curve a distance of 403.9 feet to the P. C. (point of a curve); thence in a curve to the left having a radius of 459.65 feet and a central angle of 23° 40' a distance of 189.86 feet to the P. T.; thence in the tangent of said curve a distance of 63.47 ft. to pt. of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 6:37 P. M.

Act No. 452

H. 956—Brewer, Gilchrist

AN ACT

To extend the boundary lines of the Town of Trinity, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Trinity, in Morgan County, Alabama, be and the same are hereby extended so as to include, in addition to the territory now embraced therein, the following described property, to-wit:

Beginning at a point where the easterly line of the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 29, Township 5, Range 5 West intersects the southerly corporation line of the Town of Trinity, Alabama, thence running south to the southeast corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 20, Township 5, Range 5 West; thence running west one-half of a mile to the southwest corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 30, Township 5, Range 5 West; thence northerly along the westerly line of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and the westerly line of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 30, Township 5, Range 5 West to its intersection with the center line of the new Moulton-Decatur Highway; thence running in a southwesterly direction along the center line of said Moulton-Decatur Highway to its intersection with the westerly line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 30, Township 5, Range 5 West; thence running northerly to the northwest corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 30, Township 5, Range 5 West; thence running westerly along the southerly line of the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 30, Township 5, Range 5 West to the Morgan-Lawrence County line; thence running northerly along said county line three-fourths of a mile to the northwest corner of the SW $\frac{1}{4}$ of Section 19, Township 5, Range 5 West; thence easterly along the northerly line of the SW $\frac{1}{4}$ to the northeast corner of the SW $\frac{1}{4}$ of Section 19, Township 5, Range 5 West; thence southerly to the southwest corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 19, Township 5, Range 5 West; thence easterly along the southerly line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 19, Township 5, Range 5 West to the west corporation line of the Town of Trinity, Alabama; thence following the said corporation line of the Town of Trinity, Alabama, in a southerly direction 1491 feet; thence in an easterly direction 2065 feet; thence in a southerly direction 2780 feet; thence in an easterly direction to the point of beginning.

Section 2. This Act shall be effective immediately upon its passage and approval by the Governor.

Approved November 13, 1959.
Time: 6:38 P. M.

Act No. 453

H. 964—Ray

AN ACT

To amend Section 2 of the act approved July 23, 1931 providing for a board of education for Winston County (Act No. 539, S. 253, Local Acts of Alabama 1931, pp. 257, 258) so as to provide further for the compensation of the members of said board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of the act approved July 23, 1931, providing for a board of education for Winston County (Act No. 539, S. 253, Local Acts of Alabama 1931, pp. 257, 258) is hereby amended to read as follows:

"Section 2. The said Board of Education for Winston County, Alabama, shall have the same rights, power, duty, and authority as is now conferred by the general laws of Alabama on county boards of education and shall perform and exercise the same duties as is now required by such boards of education. The members of the board shall receive from the public school funds of the county twenty-five dollars a day and their actual traveling and hotel expenses incurred in attending meetings of the board and transacting the business of the board; provided, that such members shall not be allowed pay for more than twenty-four days in any one year. Their expenses shall be paid in like manner as provided for the payment of the compensation of teachers."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 6:39 P. M.

Act No. 454

H. 965—Glass, Taylor

AN ACT

Relating to Butler County; authorizing the governing body of the county to furnish fuel and necessary equipment for the preparation and storing of food for prisoners held in The Butler County Jail by the Sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Butler County is hereby authorized to furnish fuel and necessary equipment for the preparation and storing of food for prisoners held in The Butler County Jail by the Sheriff, the cost thereof to be paid out of the General Fund of the county treasury not otherwise appropriated.

Section 2. This Act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 6:40 P. M.

Act No. 455

H. 966—Glass, Taylor

AN ACT

For the relief of The United Telephone & Telegraph Co., and to authorize and direct The Court of County Commissioners of Butler County, Alabama, to pay to the said United Telephone & Telegraph Co., the sum of FOUR HUNDRED FORTY DOLLARS AND THIRTY-EIGHT CENTS (\$440.38) for damages to telephone lines owned by the said United Telephone & Telegraph Co.

Be It Enacted by the Legislature of Alabama:

Section 1. Immediately upon passage of this act, The Court of County Commissioners of Butler County, Alabama, is authorized and directed to issue its warrant on the County Depository of said county in favor of the United Telephone & Telegraph Co., in the sum of FOUR HUNDRED FORTY DOLLARS AND THIRTY-EIGHT CENTS (\$440.38), which shall be paid out of the Gasoline Fund in said County Depository not otherwise appropriated for the purpose of compensating the said United Telephone & Telegraph Co., for damages to telephone lines owned by them and located between Forest Home and Greenville and within the corporate limits of the City of Greenville, said damages being caused by county road equipment owned and operated by Butler County, Alabama.

Section 2. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 6:41 P. M.

Act No. 456

H. 971—Brewer, Gilchrist

AN ACT

To prohibit the taking of fish from the public waters of all counties having a population of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census, with hoop and fyke nets, gill nets, trammel nets, or any other kind of commercial fishing gear except setlines, trotlines, and snaglines; repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person to use any hoop and fyke net, gill net, trammel net, or any other kind of

commercial fishing gear, except a setline, trotline, or snagline, in taking or capturing fish from the public impounded waters and navigable streams in any county having a population of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census, notwithstanding the fact that such person may be licensed by the department of conservation to use such gear in any other county. Whoever violates this Act is guilty of a misdemeanor and upon conviction shall be punished as prescribed by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 6:42 P. M.

Act No. 457

H. 972—Faulk

AN ACT

To further amend Section Two of Act No. 538, Local Acts of the Legislature, 1939, approved September 16, 1939, which said Section Two was amended by Act No. 651 of the Legislature of 1947, approved October 9, 1947, which said Act No. 538 established in Geneva County, Alabama, a Court of Record to be known as the "Inferior Court of Geneva County"; and to provide that said Court have limited equity jurisdiction and to provide for a Register of said Court and a stenographer for the Judge of said Court and fix her salary.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2, Act No. 538, Local Acts of 1939, as amended by Act approved October 9, 1947, be further amended to read as follows:

That Section 2 of an Act of the Legislature entitled "An Act to establish a Court of Record in Geneva County, Alabama, to be known as the "Inferior Court of Geneva County"; to provide for its criminal jurisdiction to include all misdemeanors; and to provide for the civil jurisdiction thereof to include all civil jurisdiction now exercised by Justices of the Peace, and in addition thereto to include all suits, actions and matters of law where the amount involved therein is the sum of Three Hundred & no/100 Dollars, or less; to provide for the officers of the said Court, their terms of office, the manner of their selection and election, and their powers, duties and compensation; to fix the fees and costs in said Court; to provide for the rules of procedure for said Court and for the operation thereof; to provide for the registering of judgments rendered in said Court, and the effect thereof;

to provide for the method and manner of instituting civil and criminal proceedings therein; to provide for the transfer of criminal prosecutions for misdemeanors now or hereafter pending in the County Court of Geneva County; and to provide for the transfer of civil suits pending in said Circuit Court, within the jurisdiction of this Court, by agreement", approved September 16, 1939, as amended by Act No. 651, approved October 9, 1947. That said Court shall have civil jurisdiction in all civil matters of which Justices of the Peace of Geneva County have jurisdiction under the general laws of this State; concurrently with the several Justices of the Peace in said County; and, in addition thereto, the said Court shall have jurisdiction, concurrently with the Circuit Court, of all matters, suits and actions of law, which are in amount more than the jurisdiction of the Justices of the Peace, and not more than the sum of Five Hundred and no/100 (\$500.00) Dollars; and the said Court shall have original jurisdiction, concurrent with the Circuit Court, of all misdemeanors committed in Geneva County, Alabama; and it shall have preliminary jurisdiction of all felonies concurrent with the several Justices of the Peace of said County committed in Geneva County, Alabama; that there is hereby conferred on the Inferior Court of Geneva County, Alabama, equity jurisdiction to the extent only to suits for divorce or separate maintenance and cases involving domestic relations or the custody of children and the removal of disabilities of non age of minors and that such proceedings shall be conducted and appeals may be taken to the Supreme Court of Alabama in accordance with the rules of the Equity Court now or hereafter obtaining; but appellant jurisdiction of all of the Justice of the Peace Courts and municipal Courts in said County is hereby expressly repealed. The jurisdiction, both civil, criminal and in equity of said Court, as hereinabove provided, shall be coextensive with the County; provided, further, that the said Court shall not have and exercise civil jurisdiction of actions of libel, assault and battery or ejectment or actions in the nature of ejectment.

Section 2. That the Judge of said Court be and he is hereby authorized to employ a stenographer and the salary of such stenographer is fixed at the sum of \$900.00 per year to be paid in equal monthly installments out of the general funds of the County on the warrant of the Probate Judge upon certificate of the Judge of this Court.

Section 3. That the Register of the Circuit Court, in Equity, of Geneva County, Alabama, shall, by virtue of his office, be the Register of the Inferior Court of Geneva County, Alabama, and shall have the powers and discharge the duties which shall devolve upon the Register of the Inferior Court of Geneva County, Alabama. He shall be subject to the same pains and penalties with regard to the duties of the office and shall be entitled to

the same fees, cost and commissions as are now, or may hereafter be allowed to the Register of the Circuit Court in Equity, which shall be collected as such fees, cost and commissions are collected in Circuit Courts. The Register of the Inferior Court of Geneva County, Alabama, before entering into the duties of his office, shall give bond in the penal sum of Two Thousand (\$2,000.00) Dollars, payable and conditioned as official bonds required of the Registers of the Circuit Courts, in Equity, to be taken and approved by the Judge of said Court and recorded in the Probate Office of the County and upon said bond there shall be the same liabilities and remedies as upon bonds of the Registers of the Circuit Courts of this State.

Section 4. If any section, sentence, clause, phrase or part of this Act shall be declared invalid, such invalidity shall not affect the remainder of the Act, but such parts not declared invalid shall remain in full force and effect.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 6:47 P. M.

Act No. 458

H. 982—Hawkins, Edwards, Morrow,
Sessions, Rast, Perry, Locke

AN ACT

To amend Section 799, Title 37, of the 1940 Code of Alabama, as heretofore amended.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 799, Title 37 of the 1940 Code of Alabama be and the same is hereby amended to read as follows:

Section 799. Procedure; legal effect of approval of plat—The planning commission shall approve or disapprove a plat within thirty days after the submission thereof to it; otherwise such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the commission on demand: Provided, however, that the applicant for the commission's approval may waive this requirement and consent to an extension of such period. The ground of disapproval of any plat shall be stated upon the records of the commission. Any plat submitted to the commission shall contain the name and address of a person to whom notice of a hearing shall be sent; and no plat shall be acted on by the commission without affording a hearing thereon. Notice shall be sent to the said address by registered mail of the time and place of such hearing not less than five days before the

date fixed therefor. Similar notice shall be mailed to the owners of land immediately adjoining the platted land, as their names appear upon the plats in the county tax assessor's office and their addresses appear in the directory of the municipality or on the tax records of the municipality or county. Every plat approved by the commission shall, by virtue of such approval, be deemed to be an amendment of or an addition to or a detail of the municipal plan and a part thereof. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat. The planning commission may, from time to time, recommend to council amendments of the zoning ordinance or map or additions thereto to conform to the commission's recommendations for the zoning regulation of the territory comprised within approved subdivisions. The commission shall have the power to agree with the application upon use, height, area or bulk requirements or restrictions governing buildings and premises within the subdivision, provided such requirements or restrictions do not authorize the violation of the then effective zoning ordinance of the municipality. Such requirements or restrictions shall be stated upon the plat prior to the approval and recording thereof and shall have the same force of law and be enforceable in the same manner and with the same sanctions and penalties and subject to the same power of amendment or repeal as though set out as a part of the zoning ordinance or map of the municipality. The municipal planning commission of any city having a population of over three hundred thousand inhabitants according to the last or any subsequent federal census may elect three persons who are members of such commission to serve while members thereof and at the pleasure of such commission as a committee to approve or disapprove in the name of such municipal planning commission any plat presented to such commission. Should any committee member so elected by the commission be unable for any reason to serve at any time as a member of said committee, or should a vacancy occur at any time on the committee, the chairman of the commission shall appoint another member thereof to serve as a member of the committee until such time as the replaced member of the committee shall resume his duties, or until the commission shall fill said vacancy by electing another of its members to serve on the committee. Such committee shall be governed by all the provisions of this subdivision applicable to municipal planning commissions in regard to the approval or disapproval of any such plat and to all regulations adopted by such planning commission in regard thereto not inconsistent with the provisions of this subdivision. Any plat submitted to such committee shall be considered as if submitted to the commission and any approval or disapproval of any such plat by such committee shall be as if the same were approved or disapproved by the commission, provided, however, that any

party aggrieved by any decision of such committee may within fifteen days thereafter appeal therefrom to the full planning commission of such municipality by filing with such commission a written notice of appeal specifying the decision from which the appeal is taken. In case of such appeal, such committee shall cause a transcript of all papers and documents filed with the committee in connection with the matter involved in the appeal to be certified to the commission to which the appeal is taken and the commission shall, within forty-five days from the taking of such appeal, in accordance with such reasonable regulations as it may from time to time adopt, make such investigation as it deems proper and either affirm the decision of such committee or render such decision as in the judgment of such municipal planning commission should have been rendered by such committee.

Approved November 13, 1959.
Time: 6:52 P. M.

Act No. 459

H. 985—Phillips

AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the town of Butler, Choctaw County, so as to incorporate within the town certain additional territory.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Butler, Choctaw County, are hereby altered, rearranged, and extended so as to incorporate within the boundaries and corporate limits of said town the following described lands lying and being in Choctaw County, to wit:

Entire NW $\frac{1}{4}$; W $\frac{1}{2}$ of NE $\frac{1}{4}$; all in Section 17, Township 13 North, Range 2 West.

S $\frac{1}{2}$ of NW $\frac{1}{4}$; W $\frac{1}{2}$ of SW $\frac{1}{4}$; all in Section 13, Township 13 North, Range 3 West.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.
Time: 6:45 P. M.

Act No. 460

H. 986—Jones (Covington)

AN ACT

To provide additional compensation or salary for the Official Court

Reporter of the 22nd Judicial Circuit and providing for the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The Official Court Reporter of the Twenty-second Judicial Circuit of Alabama appointed and holding office under the provisions of law applicable thereto shall, in addition to the salary fixed and provided to be paid to said Court Reporter under the provisions of Act No. 294, H. 212 (Acts of Alabama 1957, P. 376), receive as additional salary or compensation the sum of twenty-four hundred dollars per annum which shall be payable in monthly installments by Covington County out of its general fund unless otherwise ordered as hereinafter provided.

Section 2. The Board of Revenue or other governing body of Covington County may, in its discretion, from time to time pay, or order to be paid said additional salary or compensation or any part thereof from the fine and forfeiture fund of said county, provided however that such payments from said fund shall not be made when the balance in said fund shall have reached two thousand dollars or below, or if lawfully presented and outstanding claims against said fund will reduce the balance in said fund to two thousand dollars or below.

Section 3. In the event the Legislature of Alabama shall hereafter by general act or general act of local application provide for an increase of salary for Official Court Reporters which would result in an increase of salary, apart from the provisions of this act, as now authorized to be paid to the Official Court Reporter of Covington County, then in that event the additional salary or compensation herein authorized and fixed shall be abated or reduced by the amount of such increase.

Section 4. No provision of this act shall be construed as altering, amending or repealing Act No. 294, H. 212 (Acts of Alabama 1957, P. 376) except as herein specifically provided, but otherwise all laws or parts of laws, general, special, or local, which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 6:53 P. M.

Act No. 461

H. 987—Bailey, Pierce, Goodwyn,
Goldthwaite

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, Alabama, so as to include within the corporate limits

thereof certain additional territory in Sections 27 and 28, Township 16 North, Range 18 East, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be, and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City of Montgomery, Alabama, certain additional territory lying within the following described boundaries, to-wit:

Beginning at the common corner of Sections 27, 28, 33 and 34, all in Township 16 North, Range 18 East, thence North 00°-16' East along the East line of Section 28 a distance of 816.4 feet; thence North 88°-05' West a distance of 1092.5 feet; thence South 08°-18' West a distance of 401.4 feet; thence North 84°-53' West 598.75 feet to the East side of Fisk Road; thence West parallel with the South line of Section 28 to the West side of Fisk Road; thence Northerly along the West line of Fisk Road and along the Northerly extension of the West line of Fisk Road to the North line of the Troy Highway; thence Easterly along the North line of the Troy Highway to its point of intersection with the East-West half section line of Section 27; thence East along said half section line to the center of Section 27; thence turning and running South along the North-South half section line of Section 27 to the Southeast corner of the SW¼ of said Section 27; thence turning and running West along the South line of Section 27 to the Southwest corner thereof, the point of beginning.

Section 2. That this Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 6:46 P. M.

Act No. 462

H. 988—Cates

AN ACT

To abolish the fine and forfeiture fund of Shelby County; to provide for the payment of all fines and forfeitures collected into the general fund of the county; to provide for the payment of certain claims from the general fund of the county in lieu of the fine and forfeiture fund and to provide for the registration of those claims now outstanding and those hereafter accruing.

Be It Enacted by the Legislature of Alabama:

Section 1. Hereafter, all fines and forfeitures paid in, or for the use and benefit of, Shelby County in the manner prescribed by law shall be deposited into the general fund of said county, and the previously existing fine and forfeiture fund of the county

is hereby abolished. Any balance remaining in said fine and forfeiture fund on the effective date of this act shall be transferred to the general fund of the county and all previously registered claims, or other proper claims, heretofore payable from the fine and forfeiture fund of the county shall thereupon become chargeable against and payable from the general fund of the county, subject to the conditions of this act.

Section 2. The claims of state witnesses, witnesses before the grand jury of the county, and of the officers of the court in criminal cases heretofore payable from the fine and forfeiture fund of Shelby County shall, upon the passage and approval of this act, hereafter be paid from the general fund of said county.

Section 3. All persons holding claims against the fine and forfeiture fund of Shelby County upon the effective date of this act shall present the same to the county treasurer or county depository, as the case may be, for registration within twelve months following the passage of such act, or the same will be barred, and all claims hereafter accruing against the general fund of the county which, but for the provisions of this act, would be payable from the previously existing fine and forfeiture fund of the county, shall be presented to the county treasurer or county depository, as the case may be, for registration within twelve months following the accrual of such claim, or the same will be barred.

Section 4. Any person who appears as a witness for the state in any criminal case, or in any proceeding before the grand jury of the county, and who procures a certificate of attendance signed by the clerk of the court or the foreman of the grand jury shall be entitled to have such certificate paid out of the general fund of the county immediately upon the presentation thereof in the same manner as jurors' certificates are paid, and all amounts subsequently received by such county from any source in the form of witness fees for witnesses paid in this manner shall be credited to the general fund of the county.

Section 5. All laws or parts of laws, local, special or general, and particularly Act No. 61, Second Special Session 1959, approved August 12, 1959, are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 13, 1959.
Time: 6:56 P. M.

Act No. 463

H. 995—Hawkins, Edwards

AN ACT

To provide for designating the 109th Evacuation Hospital building in Jefferson County, "Fort Mortimer H. Jordan."

Be It Enacted by the Legislature of Alabama:

Section 1. The Adjutant General or other proper officer of the State Military Department shall cause the building now under construction in Birmingham which will be used to house the 109th Evacuation Hospital to be designated and named "Fort Mortimer H. Jordan," in honor of one of Alabama's most valiant and heroic sons.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 6:48 P. M.

Act No. 464

H. 1033—Roberts

AN ACT

Relating to the management of the public records of Madison County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Madison County, and for payment of the costs incurred in the purchase of photographic or microphotographic equipment; creating a county records commission to regulate the destruction or disposal of such public records; and providing for establishment of a county records custodian and reproduction department.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Madison County may require the photographing or microphotographing, on plate or film of any record, document, plat, court file, book, map, paper, or writing made, acquired, or received as required by law by any official of Madison County except those records that the board of registrars is required by law to make and keep, which may be photographed or microfilmed only if this procedure is approved unanimously by the board of registrars. Such photographs, microfilms, or prints made therefrom, when duly authenticated by the custodian thereof, shall have the same force and effect at law as the original record, or of a record made by any other legally authorized means, and may be offered in like manner and shall be received in evidence in any court where such original record, or record made by other legally authorized means, could have been so introduced and received. In like manner, reproduc-

tions made from such records by photographic or like process, when otherwise in compliance with applicable statutes, rules and regulations, shall be received and treated in any court of this State as fully as would a transcription or reproduction of such records made by any other means or process.

Section 2. The court or board is authorized to charge to any office, court, board, institution, department or agency of the county the cost of photographing or microphotographing of public records belonging to that office, court, board, institution, department, or agency, by the charging of the cost of such work to that office, court, board, institution, department or agency's appropriation from the county budget.

Section 3. The court or board may from time to time appropriate amounts out of the general fund of the county sufficient to pay the cost of photographing or microphotographing the public records belonging to the county, and may from time to time appropriate amounts sufficient to purchase necessary photographic or microphotographic equipment, materials and supplies therefor.

Section 4. There is hereby created a county records commission consisting of twelve members as follows: The director, or deputy director if designated by the director, of the State Department of Archives and History; the senior presiding judge of the circuit court of Madison County; the judge of the probate court of Madison County, or if so designated his chief deputy; the register in chancery of the circuit court of Madison County; the clerk of the circuit court of Madison County; the clerk auditor of the Madison County Board of Commissioners; the tax assessor of Madison County; the president of Madison County Historical Society; the head of the department of history or senior professor of history of the University of Alabama, Huntsville Center; the president of the Twickenham Town Chapter of the Daughters of the American Revolution; the president of the Madison County Bar Association; and a deputy examiner, designated by the director, of the State Department of Examiners of Public Accounts. The commission shall meet annually at the Madison County Courthouse on the first day in February of each year at 10:00 A. M. and the commission shall meet thereafter as often as they shall determine.

Section 5. The county records commission shall be charged with the responsibility of determining which county records shall be permanently preserved because of their historical value, and which records may be destroyed or otherwise disposed of after they have been microfilmed, provided, however, that no record of the probate office or circuit court shall be destroyed unless otherwise permitted by law. The commission shall classify the different types of records accordingly. No county official

shall cause any county records to be destroyed or otherwise disposed of without first obtaining the approval of the county records commission. Before destroying any records, the disposal of which by a county official has been approved by the commission, such records must be offered to the Huntsville Public Library, State Department of Archives and History, the local Historical Association, and the Huntsville Burritt Museum in such order as the records commission may determine. The Madison County Board of Commissioners is required to expend the county general funds found to be necessary to build, lease or remodel a suitable building to retain old records. Said building must conform to standards for this type of building as recommended by the United States Bureau of Standards.

Section 6. No county official or employee shall destroy, dispose of, or cause to be destroyed or disposed of, any public record that has been microfilmed under the provisions of this Act until the records custodian has certified that the microfilm copy has been processed and checked for clarity.

Section 7. The county records commission is hereby empowered to conduct surveys of public records in carrying out the provisions of this Act. The commission shall from time to time issue regulations classifying all public records, and prescribe the period for which records of each class shall be retained, either permanently or for a specified number of years. Such regulations may from time to time be amended or repealed. Prior to issuing such regulations, the commission shall consider:

- (1) Actions at law and administrative proceedings in which the production of public records might be necessary or desirable;
- (2) State and federal statutes of limitation applicable to such actions or proceedings;
- (3) The availability of information contained in public records from other sources;
- (4) The actual or potential historical value of certain public records;
- (5) The frequency of usage of such records;
- (6) Such other matters as the commission shall deem pertinent in order that public records be retained for as short a period as is commensurate with the interests of the public.

Section 8. The board of county commissioners is hereby authorized to establish a central reproduction department for Madison County and to employ a records custodian who shall be chosen by the chairman of the county board of commissioners, the probate judge and the register in chancery, which custodian shall

have charge of all reproduction work including microphotographing and who shall have custody of all records placed for storage outside the Madison County Courthouse. The records custodian is hereby charged with the responsibility of aiding the public officers in maintaining and preserving the records in the custody of said public officials. Madison County is authorized to expend from its general fund all monies necessary for supplies and equipment with which to operate said department including salaries for the personnel.

The board of county commissioners shall also enter into such contracts as are necessary in order to provide for the storage and safekeeping of a copy of each photograph or microphotograph made of any county records at some place outside the boundaries of Madison County.

Section 9. A fee of twenty-five cents will be charged in addition to all filing and recording fees now charged for each instrument, document, plat, court file, map, paper or writing photographed or microphotographed and each official receiving instruments to be photographed or microphotographed will collect the fee and deposit same by the tenth of each month to the credit of the county general fund.

Section 10. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 6:49 P. M.

Act No. 465

H. 1037—Goodwyn, Bailey, Goldthwaite,
Pierce

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery so as to include within the corporate limits thereof certain additional territory in Section 28, T16N, R18E, Montgomery County, Alabama, and Section 21, T16N, R18E, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be, and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

Beginning at the intersection of the North side of the Troy Highway and the East side of Carter Hill or Fisk Road; thence

westerly along the North side of the Troy Highway to the East line of the West-half of the East-half of the NW $\frac{1}{4}$ of Section 28, T16N, R18E; thence North along the said East line of the West-half of the East-half of the NW $\frac{1}{4}$ of said Section 28, to the Northeast corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 28; thence West to the Quarter Section Line running North and South through the center of the NW $\frac{1}{4}$ of said Section 28; thence North along the said Quarter Section Line to the North line of said Section 28; thence continue North along Quarter Section Line running North and South through the center of the West-half of Section 21, T16N, R18E, to the South ROW Line of Carter Hill Road; thence East along the curvature and along the South ROW line of Carter Hill Road to a point due South of the Southeast corner of the Plat of Croon Crest according to said plat as the same is recorded in the Office of the Judge of Probate of Montgomery County, Alabama, in Plat Book 8 at Page 90; thence North to the North ROW line of Carter Hill Road; thence East along the North line of the Carter Hill Road and along the curvature thereof to the South-west ROW line of the Central of Georgia Railroad; thence Southeastly along the South-west ROW line of the Central of Georgia Railroad to the East ROW line of that part of Carter Hill Road that runs North and South; thence South along the East ROW line of Carter Hill Road and along the curvature thereof to the point of beginning.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 6:50 P. M.

Act No. 466

H. 1039—Gilchrist, Brewer

AN ACT

To extend the boundary lines of the City of Hartselle, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That the boundary lines of the City of Hartselle, in Morgan County, Alabama, be and the same are hereby extended so as to include, in addition to the territory now embraced therein, the following described property to-wit:

The East sixteen (16) acres of the Southeast quarter of the Southeast quarter and the Northeast quarter of the Southeast quarter, all in Section 9, Township 7 South, Range 4 West, and that part of the East sixteen acres of the Northeast quarter of the Northeast quarter of Section 16, Township 7 South, Range 4 West

lying North of Alabama Highway No. 36 in Morgan County, Alabama.

SECTION 2. This Act shall be effective immediately upon its passage and approval by the Governor.

Approved November 13, 1959.

Time: 6:51 P. M.

Act No. 467

H. 1038—Goodwyn, Bailey, Pierce,
Goldthwaite

AN ACT

To authorize the governing body of any municipality in the State of Alabama having a population of not less than 75,000 nor more than 125,000, according to the last or any subsequent federal decennial census, to create a museum board; to provide for the appointment of members of such board and for their terms of office; to authorize the board to adopt rules and regulations governing procedures of the board and the use of facilities under its jurisdiction and control; to provide for the appointment of a director and employees for such board; to provide that such employees shall be employees of the municipality and subject to any civil service or merit system law in effect in such municipality; to define the powers and duties of the board; and to authorize the municipality to acquire and provide property, and funds, for the use of said board for museum purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of any municipality in the State of Alabama having a population of not less than 75,000 nor more than 125,000, according to the last or any subsequent federal decennial census, may, by resolution or ordinance duly recorded in its minutes, create a museum board in the manner herein provided.

Section 2. Each museum board created hereunder shall consist of five (5) members selected by the municipal governing body who have a recognized interest in general museum activities and at least two of such members shall be officers of any museum society, organization or corporation functioning in any such municipality to promote or sponsor a museum program, and at least one of such members shall be an active member of any Junior League organization functioning in such municipality. Members of the museum board shall be appointed as follows: One for a term of one year; one for a term of two years; one for a term of three years; one for a term of four years, and one for a term of five years. As the terms of members expire, their successors shall be selected for terms of five years each. Vacancies in unexpired terms shall be filled in the same manner as original appointments are made. The museum board shall elect from its membership a chairman and a secretary and such other officers as it deems necessary, to serve at its pleasure. The board shall

adopt rules and regulations governing the procedures of the board and the use of lands, buildings, equipment and other facilities under its jurisdiction. Members of the board shall serve without compensation.

Section 3. The museum board may, with the approval of the governing body of such municipality, and subject to any civil service or merit system law now or hereafter in effect in such city, employ a director of museums to be its executive officer and such employees as may be necessary to carry into effect the museum program determined by the board. The board, with the approval of the governing body of such municipality and in accordance with any civil service or merit system law now or hereafter in effect in such city, shall fix the salary and tenure of the director and the employees. Except as herein otherwise provided, all employees of the board shall in all respects be considered as employees of the municipality and subject to all the laws, rules, regulations and restrictions affecting employees of the municipality and entitled to all benefits, rights and privileges accorded employees of the municipality.

Section 4. The museum board shall be responsible for the direction, supervision and promotion of a museum program which will contribute to the general welfare of the residents of such municipality. The board shall have control over all lands, buildings, equipment and other facilities assigned for museum purposes to the board by the municipal governing body. The board shall cooperate with other local agencies and state and federal agencies for the purpose of maintaining and improving museum services and facilities for such municipality. The board shall have power to accept financial and other aid and grants from any public or private agency, person or persons.

Section 5. The governing body of such municipality may make appropriations from municipal general funds to the museum board for the support and maintenance of the board in carrying out a museum program. The governing body of such municipality may designate for use as a museum any lands, building or equipment owned by, leased by or loaned to such municipality. The governing body of such municipality may improve and equip or appropriate funds to the board for improving and equipping the lands and buildings for museum purposes and may acquire lands, buildings, facilities, supplies and equipment for museum purposes by means of purchase, lease, loan, gift or condemnation procedure and shall have power to accept financial and other aid and grants for museum purposes from any public or private agency, person or persons.

Section 6. This Act shall be construed liberally. If any section or part is declared invalid in its general or specific application,

such declaration shall not affect the validity of other sections, parts or application.

Section 7. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 8. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 6:52 P. M.

Act No. 468

H. 1041—Smith (St. Clair)

AN ACT

To change the method of compensating certain officers of St. Clair County: Fixing the salaries of such officers, and providing for the clerical assistance, office space, equipment, and supplies necessary for the conduct of their offices.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of St. Clair County shall receive the following salaries:

(a) Judge of Probate—ten thousand dollars (\$10,000.00) per annum;

(b) Sheriff—seven thousand five hundred dollars (\$7,500.00) per annum;

(c) Tax Assessor—seven thousand dollars (\$7,000.00) per annum;

(d) Tax Collector—seven thousand dollars (\$7,000.00) per annum;

(e) Judges of the Inferior Court—three thousand six hundred dollars (\$3,600.00) per annum, each; and

(f) Circuit Clerk—six thousand dollars (\$6,000.00) per annum.

Such salaries shall be in lieu of all other compensation heretofore provided by law, and shall be paid in equal monthly installments out of the general fund of the county.

Section 2. All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate, the judges of the inferior court, and the sheriff, tax assessor, tax collector, or circuit clerk of St. Clair County shall be collected and paid into the general fund of the county.

Section 3. The board of revenue, court of county commissioners, or other like governing body of St. Clair County shall provide the judge of probate, each judge of the inferior court, and the sheriff, tax assessor, tax collector, and circuit clerk of the county with such clerical assistance, quarters, books, stationery, office equipment, postage, and other such conveniences and supplies as are necessary for the proper and efficient conduct of their respective offices. Each of said officers shall have the authority to appoint such clerical assistants as may be authorized for his office, and such clerical assistants shall serve at the pleasure of the appointing authority. The sheriff shall also be provided with two automobiles and automotive equipment of his own choosing.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing the Legislature to fix, alter, and regulate the costs and charges of courts in St. Clair County, and the fees, commissions, percentages, allowances or salary of, and the method of compensating any officer of St. Clair County.

Approved November 13, 1959.

Time: 6:59 P. M.

Act No. 469

H. 1067—Albea, Merrill

AN ACT

Relating to counties having a population of not less than 75,000 nor more than 93,000 inhabitants; to authorize county governing bodies to provide for payment of expenses of certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 75,000 nor more than 93,000 inhabitants, according to the last or any subsequent federal decennial census.

Section 2. The county commission, the judge of probate, the tax assessor, the tax collector, the sheriff, the clerk of the circuit court, in any county in which this Act applies shall each be entitled to expenses in an amount to be determined by the governing body of the county as being reasonable and necessary, but not exceeding twelve hundred dollars (\$1200) per annum for

any one officer, said expenses to be payable from the general fund of the county.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 6:55 P. M.

Act No. 470

H. 974—Broadfoot, Long (Lauderdale)

AN ACT

To amend Sections 1, 2, 3, 4, 7, 8, 10 and 12 of Act No. 296 adopted by the 1949 Regular Session of the Legislature of the State of Alabama, approved July 28, 1949 (Acts of Alabama of 1949, pp. 426 to 433) relative to privilege or license taxes and excise taxes in Lauderdale County and in the City of Florence, Lauderdale County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 296, adopted by the 1949 Regular Session of the Legislature of the State of Alabama, approved July 28, 1949 (Acts of Alabama of 1949, pp. 426 to 433) is hereby amended to read as follows:

"Section 1. In Lauderdale County, Alabama, (outside the City limits of Florence) there is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows: (a) Upon every person, firm or corporation engaged, or continuing within Lauderdale County, Alabama, (outside the City Limits of Florence) in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debt or stocks), an amount equal to one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business. (b) Upon every person, firm or corporation engaged, or continuing within Lauderdale County, Alabama, (outside the City Limits of Florence) in the business of conducting or operating places of amusement or entertainment,

billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within Lauderdale County, Alabama, (outside the City Limits of Florence) an amount equal to one percent of the gross receipts of any such business. (c) Upon every person, firm or corporation engaged or continuing within Lauderdale County, Alabama, (outside the City Limits of Florence) in the business of selling at retail any automotive vehicle, or truck trailer and semi-trailer, an amount equal to one-fourth of one percent of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer. (d) The tax levied in Section One hereof shall be subject to all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines and punishments and deductions set out in Act No. 100, adopted by the 1959 Second Special Session of the Legislature of Alabama, approved August 18, 1959, entitled "An Act to raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama, 1940, as amended and supplemented", except where inapplicable or where herein otherwise provided, all of which are adopted and made a part thereof by reference, including the provisions for the enforcement and collection thereof."

Section 2. Section 2 of the aforesaid Act No. 296 of 1949 is hereby amended to read as follows:

"Section 2. (a) In Lauderdale County, Alabama (outside the City Limits of Florence) an excise tax is hereby imposed on the storage, use or other consumption in Lauderdale County, Alabama (outside the City Limits of Florence) of tangible personal property purchased at retail for storage, use or consumption in Lauderdale County, Alabama (outside the City Limits of Florence), at the rate of one percent of the sales price of such property, except as provided in sub-section (b) of this section. (b) In Lauderdale County, Alabama (outside the City Limits of Florence), an excise tax is hereby imposed on

the storage, use or other consumption in Lauderdale County, Alabama (outside the City Limits of Florence), of any automotive vehicle or truck trailer and semi-trailer purchased at retail for storage, use or other consumption in Lauderdale County, Alabama (outside the City Limits of Florence), at the rate of one-fourth of one percent of the sales price of such automotive vehicle or truck trailer and semi-trailer. Every person storing, using or otherwise consuming in Lauderdale County, Alabama (outside the City Limits of Florence), tangible personal property purchased at retail shall be liable for the tax imposed hereby, and the liability shall not be extinguished until the tax has been paid; provided, however, that a receipt from a retailer maintaining a place of business in Lauderdale County, Alabama, showing the payment of said tax shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer. (c) The tax levied in Section Two hereof shall be subject to all the definitions, exceptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, and punishment and deductions set out in Section 787 through 811 and Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof."

Section 3. Section 3 of the aforesaid Act No. 296 of 1949 is hereby amended to read as follows:

"Section 3. In the City of Florence, Alabama, there is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows: (a) Upon every person, firm or corporation engaged, or continuing within said City of Florence, Alabama, in business of selling at retail any tangible personal property whatsoever (not including, however, bonds or other evidences of debt or stocks), an amount equal to one-half of one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business. (b) Upon every person, firm or corporation engaged, or continuing within said City of Florence, Alabama, in the business of conducting, or operating places of amusement or entertain-

ment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within said City of Florence, Alabama, an amount equal to one percent of the gross receipts of any such business. (c) Upon every person, firm or corporation engaged or continuing within the City of Florence, Alabama, in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-eighth of one percent of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer. (d) The tax levied in Section One hereof shall be subject to all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines and punishments and deductions set out in the aforesaid Act No. 100 of the 1959 Second Special Session of the Legislature, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part thereof by reference, including the provisions for the enforcement and collection thereof."

Section 4. Section 4 of the aforesaid Act No. 296 of 1949 is hereby amended to read as follows:

"Section 4. (a) In said City of Florence, Alabama, an excise tax is hereby imposed on the storage, use or other consumption in said City of Florence, Alabama, of tangible personal property purchased at retail on or after effective date of this Act, for storage, use or consumption in Lauderdale County, Alabama, at the rate of one percent of the sales price of such property, except as provided in sub-section (b) of this section. (b) In said City of Florence, Alabama, an excise tax is hereby imposed on the storage, use or other consumption in said City of Florence, Alabama, of any automotive vehicle or truck trailer and semi-trailer purchased at retail for storage, use or other consumption in said City of Florence, Alabama, at the rate of one-fourth of one percent of the sales price of such automotive vehicle or truck trailer and semi-trailer. Every person storing, using or otherwise consuming in the City of Florence, Alabama, tangible personal property purchased at retail shall be liable for the tax imposed hereby, and the liability shall not be extinguished

until the tax has been paid; provided, however, that a receipt from a retailer maintaining a place of business in said City of Florence, Alabama, showing the payment of said tax shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer. (c) The tax levied in Section Two hereof shall be subject to all the definitions, exceptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, and punishment and deductions set out in Section 787 through Section 811 and Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof."

Section 5. Section 7 of the aforesaid Act No. 296 of 1949 is hereby amended to read as follows:

"Section 7. The taxes herein levied shall be collected by, and paid to, the Probate Judge of Lauderdale County, in his official capacity. All reports required to be made to the Commissioner of Revenue of the State of Alabama as to State Sales and Use Taxes under the aforesaid Act No. 100 of the 1959 Second Special Session of the Legislature and Article 11 of Chapter 20 of Title 51 of the Code of Alabama and amendments thereto, as to such taxes herein levied shall also be made to the Probate Judge of Lauderdale County, Alabama, and as to the taxes herein levied the Probate Judge of Lauderdale County, Alabama, shall have and exercise the same powers, duties and obligations as are imposed on the Commissioner of Revenue of the State of Alabama by the aforesaid Act No. 100 of the 1959 Second Special Session of the Legislature and Article 11 of Chapter 20 of Title 51 of the Code of Alabama, and amendments thereto, as to State taxes therein levied.

"The Probate Judge of Lauderdale County shall be reimbursed out of said taxes for all clerk hire and other expense incurred by him in the collection, handling and disbursing of said moneys, and shall also be entitled to reasonable compensation for his services in connection therewith, to be paid out of said tax moneys, not to exceed one percent of such collection. And each person or party paying any tax under this Act shall be authorized to deduct from the remittance three percent (3%) of the amount of such tax for reimbursement for the expense of collecting and reporting such tax."

Section 6. Section 8 of the aforesaid Act No. 296 of 1949 is hereby amended to read as follows:

"Section 8. The Probate Judge of Lauderdale County shall at monthly intervals pay over any moneys collected by him from such taxes, less his expense and compensation as herein-

before provided, to the Lauderdale County Board of Education, and the City Board of Education in the same proportions as the school funds allocated by the State of Alabama to Lauderdale County, and the City of Florence, are now or may hereafter be divided."

Section 7. Section 10 of the aforesaid Act No. 296 of 1949 is hereby amended to read as follows:

"Section 10. The taxes herein levied shall be due and collectible at the times and manner and as set out in the aforesaid Act No. 100 of the 1959 Second Special Session of the Legislature and Article 11 of Chapter 20 of Title 51 of the Code of Alabama, and amendments thereto, and all of the methods and provisions given to the State of Alabama as to the collection of said taxes under the provisions of the aforesaid Act No. 100 of the 1959 Second Special Session of the Legislature and Article 11 of Chapter 20 of Title 51 of the Code of Alabama, and amendments thereto, are given hereby to Lauderdale County and the City of Florence as to the taxes hereby levied."

Section 8. Section 12 of the aforesaid Act No. 296 of 1949 is hereby amended to read as follows:

"Section 12. All revenue arising from the tax hereby levied applicable to the City of Florence shall be used exclusively for school purposes and solely for capital outlay and maintenance of the public schools of said City of Florence."

Section 9. All laws and parts of laws in conflict with any provision of this Act are hereby repealed.

Section 10. If any section, clause or provision of this Act shall be, or be declared to be, invalid, this shall not affect any other section, clause or provision hereof not in itself invalid.

Section 11. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 13, 1959.

Time: 6:44 P. M.

Act No. 471

H. 812—Speaks

AN ACT

To levy additional county privilege license and excise taxes for public school purposes in Chilton County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the cus-

tody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act, and prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. All words, terms, and phrases that are defined in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, which levies a state sales tax, and in Article 11, Chapter 20, Code of Alabama 1940, as amended, shall, where used in this Act, have the meanings respectively ascribed to them in said Act No. 100 of August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended, except where the context herein clearly indicates a different meaning. In addition, the following words, terms, and phrases where used in this Act shall have the following respective meanings except where the context clearly indicates a different meaning:

"State sales tax statutes" means Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, enacted at the Special Session of the Legislature of Alabama that convened June 24, 1959, which levies a retail sales tax for state purposes, and includes all statutes, including amendments to said Act No. 100, heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Act No. 100 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of said act and the incidence and collection of the tax imposed therein;

"State sales tax" means the tax imposed by the state sales tax statutes;

"State use tax statutes" means Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended, including all statutes heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Article 11 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of the said article and the incidence and collection of the tax imposed therein;

"State use tax" means the tax imposed by the state use tax statutes;

"Registered seller" means the person registered with the state department of revenue pursuant to the state sales tax statutes;

"Month" means the calendar month;

"Quarterly period" means the period of three months ending on the last day of each March, June, September, and December;

"Fiscal year" means the period commencing on October 1

of each calendar year and ending on September 30 of the next succeeding calendar year.

Section 2. Effective on the first day of the month succeeding the month during which this Act becomes a law, there is hereby levied in Chilton County, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

1. Upon every person, firm, or corporation (not including the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC stores) engaged or continuing within Chilton County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks), an amount equal to one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business.

2. Upon every person, firm, or corporation engaged or continuing within Chilton County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within Chilton County, an amount equal to one percent of the gross receipts of any such business.

3. Upon every person, firm, or corporation engaged or continuing within Chilton County in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts

of such machines, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily so used, an amount equal to one-half of one percent of the gross proceeds of the sale of such machines, attachments, parts and replacements therefor.

4. Upon every person, firm, or corporation engaged or continuing within Chilton County in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-half of one percent of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer. Provided, that where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment of the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less a credit for the used vehicle taken in trade.

There are exempted, however, from the provisions of this section and from the computation of the amount of the tax imposed in this section the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the state sales tax statutes from the computation of the amount of the state sales tax.

Section 3. An excise tax is hereby imposed on—

(a) The storage, use, or other consumption in Chilton County of tangible personal property purchased at retail, on or after the first day of the month next succeeding the month during which this Act shall become a law, for storage, use or other consumption in Chilton County, at the rate of one percent of the sale price of such property, regardless of whether the retailer is or is not engaged in business in Chilton County or in this state, except as provided in subsections (b) and (c) of this section; and

(b) The storage, use, or other consumption in Chilton County of any new or used automotive vehicle, truck trailer or semi-trailer purchased at retail on or after the first day of the month next succeeding the month during which this Act becomes a law, for storage, use, or other consumption in Chilton County, at the rate of one-half of one percent of the sales price of such automotive vehicle, truck trailer, or semi-trailer. Where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid in the net difference, that is, the difference of the price of the new or used vehicle sold less a credit for the used vehicle taken in trade; and

(c) The storage, use, or other consumption in Chilton County of any machine used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machines, attachments, and replacements therefor which are made or manufactured for use on or in the operation of such machines, purchased at retail on or after the first day of the month next succeeding the month during which this Act becomes a law, for storage, use, or other consumption in Chilton County, at the rate of one-half of one percent of the sales price of such machine or the parts, attachments, or replacements therefor.

There are exempted, however, from the provisions of this section and the tax imposed in this section the storage, use, or other consumption of property the storage, use, or other consumption of which is presently exempted under the state use tax statutes from the state use tax. Subject to these exemptions, every person storing or using or otherwise consuming in Chilton County tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the tax has been paid by such person as herein provided; provided, however, that a receipt from a registered seller given pursuant to Section 5 of this Act to the purchaser of any property to be used, stored, or consumed in Chilton County shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 4. The taxes levied in Section 2 of this Act shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues; and the taxes levied in Section 3 of this Act shall be due and payable quarterly on or before the twentieth day of the month next succeeding each quarterly period during which the storage, use, or other consumption of the tangible personal property became taxable hereunder, each such quarterly period to end on the last days of each of the months of March, June, September and December. All taxes levied in this Act shall be paid to and collected by the state department of revenue at the same time and along with the collection of the state sales tax and the state use tax. On or prior to the due dates of the taxes herein levied each person subject to such taxes shall file with the state department of revenue a report or return in such form as may be prescribed by the department, setting forth, with respect to all sales and business that are provided in Section 2 hereof to be used as a measurement of the tax levied in said Section 2, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business and setting forth, with respect to the tax levied in Section 3 hereof, the total sales price of all property, the use, storage, or other consumption of which became subject to the tax imposed by said Section 3

during the then preceding quarterly period; provided, however, that said report shall include also such other items of information pertinent to the said taxes in the amount thereof as the state department of revenue may require. Any person subject to the taxes levied in Section 2 hereof may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the state department of revenue under this section shall be available for inspection by the governing body of Chilton County, or its designated agent, at reasonable times during business hours.

Section 5. Every registered seller making sales of tangible personal property for storage, use, or other consumption in Chilton County (which storage, use, or other consumption is not herein exempted from the tax imposed in Section 3 hereof) shall at the time of making such sale or, if the storage, use, or other consumption of such tangible personal property in Chilton County is not then taxable under this Act, at the time such storage, use, or other consumption becomes taxable hereunder, collect the tax imposed by Section 2 of this Act from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the state department of revenue. On the twentieth day of the month following the close of each quarterly period provided for in Section 4 hereof, each registered seller shall file with the state department of revenue a return for the preceding quarterly period in such form as may be prescribed by the department, showing the total sales of the tangible personal property sold by such registered seller, the storage, use, or other consumption of which became subject to the tax imposed by Section 3 of this Act during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the tax herein required to be collected by such registered seller during the period followed by the return; provided, that any registered seller may defer collecting the tax with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales and shall include in each quarterly report all credit collections made during the preceding quarterly period, and shall omit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage, or other consumption of tangible personal property in Chilton County need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property, the storage, use, or other consumption of

which is subject to the tax imposed by Section 3 of this Act and who has not paid the tax due with respect thereto to a registered seller, shall report and pay the tax as required by Section 4.

Section 6. Each person engaging or continuing within Chilton County in a business subject to the taxes levied in Section 2 of this Act shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes levied in said Section 2; and every registered seller shall likewise add to the sales price and collect from the purchaser the amount of any tax which such registered seller is required by Section 5 hereof to collect. It shall be unlawful for any person subject to the tax levied in said Section 2 to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof. It shall likewise be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the tax imposed by Section 3 of this Act or to refund or offer to refund or absorb, or to advertise directly or indirectly the absorption of, said tax or any portion thereof.

Section 7. The taxes imposed by this Act shall constitute a debt due Chilton County and may be collected by civil suit, in addition to all other methods provided by law and in this Act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All of the provisions of the revenue laws of this state which apply to the enforcement of liens for license taxes due this state shall apply fully to the collection of the taxes herein levied, and the state department of revenue, for the use and benefit of Chilton County shall collect such taxes and enforce this Act and shall have and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state sales tax and the state use tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes authorized to be levied by this Act, and to otherwise enforce the provisions of this Act, including any litigation involving this Act; and the department shall pay such special counsel such fees as it deems

necessary and proper from the proceeds of the taxes collected by it for Chilton County.

Section 8. All provisions of the state sales tax statutes with respect to payment, assessment and collection of the state sales tax, making of monthly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the states sales tax statutes, the promulgation of rules and regulations with respect to the state sales tax, and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied in Section 2 hereof, shall apply to the tax levied in the said Section 2; and all provisions of the state use tax statutes with respect to payment, assessment and collection of the state use tax, making quarterly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state use tax statutes, the promulgation of rules and regulations with respect to the state use tax, and the administration and enforcement of the state use tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied in Section 3 hereof, shall apply to the tax levied in the said Section 3. The state commissioner of revenue and the state department of revenue shall have and exercise all of the same powers, duties and obligations with respect to the taxes levied in Sections 2 and 3 hereof that are imposed on the commissioner and the department, respectively, by the state sales tax statutes and the state use tax statutes. All provisions of the state sales tax statutes and the state use tax statutes that are made applicable in this Act to the taxes herein levied and to the administration of this Act are hereby incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 9. The state department of revenue shall charge Chilton County for collecting the special taxes levied by this Act such amount or percentage of total collections as may be agreed upon by the commissioner of revenue and the court of county commissioners, board of revenue, or like governing body of the county, but such charge shall not in any event exceed two percent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the special taxes for the county may be deducted each month from the special sales and special use taxes collected before certifying the amount of the proceeds thereof due Chilton County for that month. The commissioner of revenue shall pay into the state treasury all taxes collected under this Act, as such taxes are received by the department of revenue; and on or before the first day of each successive month (commencing with the month

following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of Chilton County during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of Chilton County during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the custodian of the public school funds of Chilton County, in his official capacity, in an amount equal to the amount so certified by the commissioner of revenue as having been collected for the use of Chilton County. The custodian of public school funds for Chilton County shall deposit the revenue derived from the taxes levied herein in a special account separate and apart from other public school funds of the county, and shall maintain separate records of such special account. The county board of education shall require an additional bond of the custodian of public school funds, in an amount to be prescribed by the board of education and payable to the board and conditioned as prescribed by law. Such additional bond shall be filed and recorded in the office of the judge of probate of the county. The premiums on such bond shall be paid from any school funds derived hereunder.

Section 10. The proceeds of the taxes levied in this Act shall be used by the county board of education of Chilton County solely for the purpose of constructing, improving, maintaining, repairing, and equipping public school buildings, and acquiring sites therefor, within the county; or the proceeds of such taxes may be used to pay the principal of, and the interest on, any securities issued pursuant to law for the purpose of constructing, improving, maintaining, repairing, and equipping public school buildings, and acquiring sites therefor, within the county.

Section 11. The levy of taxes herein made shall terminate at midnight on December 31, 1969, unless prior to that date there shall have been held in Chilton County, by the qualified electors thereof, a referendum election at which a majority of the qualified electors participating therein vote in favor of the continuation of such levy for a further period of ten years from said date, in which event such taxes shall continue in effect until midnight on December 31, 1979. The court of county commissioners, board of revenue, or other like governing body of Chilton County shall order and provide for the holding of such a referendum not less than three months before the termination date of the levy as herein provided. When the levy of taxes herein made terminates as provided herein, all of the provisions

of this Act pertaining to the payment and collection of the taxes herein levied, the making of reports and maintenance of records with respect thereto, and in general the enforcement of this Act shall thereafter continue to be effective with respect to the taxes herein levied that shall have accrued hereunder prior to such termination date.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid on unconstitutional, such declaration shall not affect the part which remains.

Section 13. This Act shall become effective on the first day of the month succeeding the month during which the Act shall be approved by the Governor or shall otherwise become a law.

Approved November 13, 1959.

Time: 11:31 A. M.

Act No. 472

H. 837—Ramey

AN ACT

To levy additional county privilege license and excise taxes for public school purposes in Hale County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act; prescribing penalties; and providing that this Act supersedes Act No. 86, H. 388, approved June 21, 1957 (Acts 1957, vol. I, pp. 127-130).

Be It Enacted by the Legislature of Alabama:

Section 1. All words, terms, and phrases that are defined in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, which levies a state sales tax, and in Article 11, Chapter 20, Code of Alabama 1940, as amended, shall, where used in this Act, have the meanings respectively ascribed to them in said Act No. 100 of August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended, except where the context herein clearly indicates a different meaning. In addition, the following words, terms, and phrases where used in this Act shall have the following respective meanings except where the context clearly indicates a different meaning:

“State sales tax statutes” means Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, enacted at the Special Session of the Legislature of Alabama that convened June 24, 1959, which levies a retail sales tax for state purposes, and includes all statutes, including amendments to said Act No. 100, heretofore enacted which expressly set forth any exemp-

tions from the computation of the tax levied in said Act No. 100 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of said act and the incidence and collection of the tax imposed therein;

“State sales tax” means the tax imposed by the state sales tax statutes;

“State use tax statutes” means Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended, including all statutes heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Article 11 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of the said article and the incidence and collection of the tax imposed therein;

“State use tax” means the tax imposed by the state use tax statutes;

“Registered seller” means the person registered with the state department of revenue pursuant to the state sales tax statutes;

“Month” means the calendar month;

“Quarterly period” means the period of three months ending on the last day of each March, June, September, and December;

“Fiscal year” means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year.

Section 2. Effective on the first day of the month succeeding the month during which this Act becomes a law, there is hereby levied in Hale County, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

1. Upon every person, firm, or corporation (not including the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC stores) engaged or continuing within Hale County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidence of debt or stocks), an amount equal to one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified when his books are kept

so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business.

2. Upon every person, firm, or corporation engaged or continuing within Hale County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within Hale County, an amount equal to one percent of the gross receipts of any such business.

3. Upon every person, firm, or corporation engaged or continuing within Hale County in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily so used, an amount equal to one-half of one percent of the gross proceeds of the sale of such machines, attachments, parts and replacements therefor.

4. Upon every person, firm, or corporation engaged or continuing within Hale County in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-half of one percent of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer. Provided, that where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment of the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less a credit for the used vehicle taken in trade.

There are exempted, however, from the provisions of this section and from the computation of the amount of the tax imposed in this section the gross receipts of any business and the gross proceeds of all sales which are presently exempted under

the state sales tax statutes from the computation of the amount of the state sales tax.

Section 3. An excise tax is hereby imposed on—

(a) The storage, use, or other consumption in Hale County of tangible personal property purchased at retail, on or after the first day of the month next succeeding the month during which this Act shall become a law, for storage, use or other consumption in Hale County, at the rate of one percent of the sale price of such property, regardless of whether the retailer is or is not engaged in business in Hale County or in this state, except as provided in subsections (b) and (c) of this section; and

(b) The storage, use, or other consumption in Hale County of any new or used automotive vehicle, truck trailer or semi-trailer purchased at retail on or after the first day of the month next succeeding the month during which this Act becomes a law, for storage, use, or other consumption in Hale County, at the rate of one-half of one percent of the sales price of such automotive vehicle, truck trailer, or semi-trailer. Where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid in the net difference, that is, the difference of the price of the new or used vehicle sold less a credit for the used vehicle taken in trade; and

(c) The storage, use, or other consumption in Hale County of any machine used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machines, attachments, and replacements therefor which are made or manufactured for use on or in the operation of such machines, purchased at retail on or after the first day of the month next succeeding the month during which this Act becomes a law, for storage, use, or other consumption in Hale County, at the rate of one-half of one percent of the sales price of such machine or the parts, attachments, or replacements therefor.

There are exempted, however, from the provisions of this section and the tax imposed in this section the storage, use, or other consumption of property the storage, use, or other consumption of which is presently exempted under the state use tax statutes from the state use tax. Subject to these exemptions, every person storing or using or otherwise consuming in Hale County tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the tax has been paid by such person as herein provided; provided, however, that a receipt from a

registered seller given pursuant to Section 5 of this Act to the purchaser of any property to be used, stored, or consumed in Hale County shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 4. The taxes levied in Section 2 of this Act shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues; and the taxes levied in Section 3 of this Act shall be due and payable quarterly on or before the twentieth day of the month next succeeding each quarterly period during which the storage, use, or other consumption of the tangible personal property became taxable hereunder, each such quarterly period to end on the last days of each of the months of March, June, September and December. All taxes levied in this Act shall be paid to and collected by the state department of revenue at the same time and along with the collection of the state sales tax and the state use tax. On or prior to the due dates of the taxes herein levied each person subject to such taxes shall file with the state department of revenue a report or return in such form as may be prescribed by the department, setting forth, with respect to all sales and business that are provided in Section 2 hereof to be used as a measurement of the tax levied in said Section 2, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business and setting forth, with respect to the tax levied in Section 3 hereof, the total sales price of all property, the use, storage, or other consumption of which became subject to the tax imposed by said Section 3 during the then preceding quarterly period; provided, however, that said report shall include also such other items of information pertinent to the said taxes in the amount thereof as the state department of revenue may require. Any person subject to the taxes levied in Section 2 hereof may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the state department of revenue under this section shall be available for inspection by the board of education of Hale County, or its designated agent, at reasonable times during business hours.

Section 5. Every registered seller making sales of tangible personal property for storage, use, or other consumption in Hale County (which storage, use, or other consumption is not herein exempted from the tax imposed in Section 3 hereof) shall at the time of making such sale or, if the storage, use, or other consumption of such tangible personal property in Hale County is not then taxable under this Act, at the time such storage, use, or other consumption becomes taxable hereunder, collect the

tax imposed by Section 2 of this Act from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the state department of revenue. On the twentieth day of the month following the close of each quarterly period provided for in Section 4 hereof, each registered seller shall file with the state department of revenue a return for the preceding quarterly period in such form as may be prescribed by the department, showing the total sales of the tangible personal property sold by such registered seller, the storage, use, or other consumption of which became subject to the tax imposed by Section 3 of this Act during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the tax herein required to be collected by such registered seller during the period followed by the return; provided, that any registered seller may defer collecting the tax with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales and shall include in each quarterly report all credit collections made during the preceding quarterly period, and shall omit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage, or other consumption of tangible personal property in Hale County need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property, the storage, use, or other consumption of which is subject to the tax imposed by Section 3 of this Act and who has not paid the tax due with respect thereto to a registered seller, shall report and pay the tax as required by Section 4.

Section 6. Each person engaging or continuing within Hale County in a business subject to the taxes levied in Section 2 of this Act shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes levied in said Section 2; and every registered seller shall likewise add to the sales price and collect from the purchaser the amount of any tax which such registered seller is required by Section 5 hereof to collect. It shall be unlawful for any person subject to the tax levied in said Section 2 to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof. It shall likewise be unlawful for any registered seller

to fail or refuse to add to the sales price and to collect from the purchaser the amount of the tax imposed by Section 3 of this Act or to refund or offer to refund or absorb, or to advertise directly or indirectly the absorption of, said tax or any portion thereof.

Section 7. The taxes imposed by this Act shall constitute a debt due Hale County and may be collected by civil suit, in addition to all other methods provided by law and in this Act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All of the provisions of the revenue laws of this state which apply to the enforcement of liens for license taxes due this state shall apply fully to the collection of the taxes herein levied, and the state department of revenue, for the use and benefit of Hale County shall collect such taxes and enforce this Act and shall have and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state sales tax and the state use tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes authorized to be levied by this Act, and to otherwise enforce the provisions of this Act, including any litigation involving this Act; and the department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it for Hale County.

Section 8. All provisions of the state sales tax statutes with respect to payment, assessment and collection of the state sales tax, making of monthly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state sales tax statutes, the promulgation of rules and regulations with respect to the state sales tax, and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied in Section 2 hereof, shall apply to the tax levied in the said Section 2; and all provisions of the state use tax statutes with respect to payment, assessment and collection of the state use tax, making quarterly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state use tax statutes, the promulgation of rules and regulations with respect to the state use tax, and the administration and enforcement of the state use tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied in Section 3 hereof, shall

apply to the tax levied in the said Section 3. The state commissioner of revenue and the state department of revenue shall have and exercise all of the same powers, duties and obligations with respect to the taxes levied in Sections 2 and 3 hereof that are imposed on the commissioner and the department, respectively, by the state sales tax statutes and the state use tax statutes. All provisions of the state sales tax statutes and the state use tax statutes that are made applicable in this Act to the taxes herein levied and to the administration of this Act are hereby incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 9. The state department of revenue shall charge Hale County for collecting said special taxes herein levied a percentage of said taxes to be computed on the basis that the total cost of collecting the state sales and use taxes bears to the total of said state taxes collected for each fiscal year. Such charge may be deducted once each month from the special sales and use taxes collected before certifying the amount of special taxes due Hale County. The commissioner of revenue shall pay into the state treasury all taxes collected under this Act, as such taxes are received by the department of revenue; and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of Hale County during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of Hale County during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the custodian of the public school funds of Hale County, in his official capacity, in an amount equal to the amount so certified by the commissioner of revenue as having been collected for the use of Hale County. The custodian of public school funds for Hale County shall deposit the revenue derived from the taxes levied herein in a special account separate and apart from other public school funds of the county, and shall maintain separate records of such special account.

Section 10. All revenue arising from the taxes herein levied shall be used exclusively and solely for acquiring, providing or constructing school houses and related buildings necessary or convenient for public school purposes, and equipping, furnishing, or replacing any such building and acquiring sites therefor; or

other capital outlay purposes for public schools within Hale County, Alabama.

Section 11. This Act supersedes Act No. 86, H. 388, approved June 21, 1957, as amended (Acts 1957, vol. 1, pp. 127-130); provided, that rights and duties that matured, penalties that were incurred, and proceedings that were begun under said Act No. 86 before the effective date of this Act shall not be affected by this Act.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. This Act shall become effective on the first day of the month succeeding the month during which the Act shall be approved by the Governor or shall otherwise become a law.

Approved November 13, 1959.
Time: 11:30 A. M.

Act No. 473

H. 833—Ray

AN ACT

To authorize, direct, and require the state department of revenue to collect any sales and use taxes which may be levied in the municipality of Double Springs, Winston County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said municipality; to prescribe the power, duties, and authority of the state department of revenue with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The Department of Revenue is hereby authorized, directed, and required to collect any sales and use taxes which may be levied in the municipality of Double Springs, in Winston County, Alabama, under the provisions of any municipal ordinance or resolution with a levy identical to the state levy except for rate of tax, subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishments, and deductions as are applicable to the state sales and use taxes levied under Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, and all acts now or hereafter amendatory thereof or supplementary thereto, except where inapplicable or where herein otherwise provided, including the provisions for the enforcement and collection of taxes when said ordinance or resolution is duly promulgated and adopted by the governing body of the municipality of Double Springs and when a certified copy of said ordinance or resolution has been filed with the Department of Revenue not less than thirty days prior to the effective date of

the tax levy. Provided, that the State of Alabama and the Alabama Alcoholic Beverage Control Board and ABC stores shall be exempt from any municipal tax so levied. Such municipal sales and use taxes shall be collected by the department at the same time and along with the collection by the department of taxes levied and collected for the State of Alabama under the provisions of Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as amended, and all reports required to be made to the Commissioner of Revenue hereunder shall, on request to the Department of Revenue, be made available for inspection by the governing body of the municipality of Double Springs, or its designated agent, at reasonable times during business hours. The Department of Revenue shall prepare and distribute such reports, forms and other information as may be necessary for the collection of such municipal sales and use taxes, and shall have all the authority and duties hereunder as it has in connection with the collection of the State's sales and use taxes provided for by Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as amended. It shall be the duty of the Commissioner of Revenue to pay into the state treasury all such taxes collected for the municipality of Double Springs under the Act; and on or before the first day of the following month, the Commissioner shall certify to the Comptroller the amount of special taxes levied and collected under the provisions of this Act for the use and benefit of the municipality of Double Springs during the calendar month immediately preceding the making of such certificate. Whereupon it shall be the duty of the Comptroller to issue his warrant on the State Treasurer for the amount, less expenses, so certified by the Commissioner of Revenue as having been collected for the use of the municipality of Double Springs and paid into the State Treasury; and the amount so certified by the Commissioner of Revenue as having been collected for the use of such city (less expenses) shall be paid to the Treasurer or other custodian of funds of the municipality of Double Springs. The Department of Revenue shall charge the municipality of Double Springs for collecting such municipal sales and use taxes the cost of making such collections provided, however, that such charge shall not exceed ten percent of the amount collected. The Comptroller shall each month draw his warrant on the funds collected hereunder payable to the Department of Revenue for the amount of such charges. The Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of such municipal sales and use taxes, and otherwise to enforce the provisions of the ordinance or resolution levying such taxes, including any litigation required, and the Department of Revenue shall pay such special counsel such fees as it deems necessary and proper

from the proceeds of the taxes payable to the municipality of Double Springs under the provisions of this Act.

Section 2. Any municipal ordinance or resolution levying a tax required to be collected hereunder, any amendment, or addition, or other change in such ordinance or resolution shall be effective on the first day of the month next following the expiration of thirty days from the date of the adoption of such municipal ordinance or resolution, provided, however, the Department of Revenue shall not be required to make any collection of taxes or otherwise perform the duties provided herein until and unless a certified copy of such ordinance or resolution, or amendment thereto, is filed with the Department of Revenue not less than thirty days prior to the effective date of said ordinance, resolution or amendment thereto.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall take effect on the first day of the second month succeeding the month during which it is enacted.

Approved November 13, 1959.

Time: 11:32 A. M.

Act No. 474

H. 937—Ashworth

AN ACT

To amend Act No. 17 adopted at the 1957 Regular Session of the Legislature of Alabama entitled "An Act relating to Bibb County, Alabama; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Articles 10 and 11, as amended; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales

price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes", so that the scope of the license tax levied in said Act No. 17 and the exemptions and other provisions applicable to said license tax shall parallel, although at the rates herein specified, the scope of the State Sales Tax levied by Act No. 100 adopted at the 1959 Special Session of the Legislature of Alabama, and the exemptions and other provisions applicable to the said State Sales Tax; so that the scope of the excise tax levied in said Act No. 17 and the exemptions and other provisions applicable to said excise tax shall parallel, although at the rates herein specified, the scope of the State Use Tax levied by Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as last amended prior to September 1, 1959; so as to adopt by reference certain provisions of the said Act No. 100 and the said Article 11, as so amended; so as to make subject to the said license tax the sale of machines, and parts, attachments and replacements therefor, used in mining, quarrying, compounding, processing and manufacturing tangible personal property; so as to make subject to the said excise tax the use, storage or consumption of such machines, parts, attachments, and replacements; and so as to increase the rate of said license tax and of said excise tax with respect to the sale, use, storage or consumption of automotive vehicles, trailers, and semi-trailers.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 17 adopted at the 1957 Regular Session of the Legislature of Alabama and entitled "An Act relating to Bibb County, Alabama; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Articles 10 and 11, as amended; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State

Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes" is hereby amended so that the said title shall read as follows: "An Act relating to Bibb County, Alabama; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and of Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as last amended prior to September 1, 1959; providing that the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Act No. 100 and said Article 11, as amended as aforesaid; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes."

Section 2. Section 1 of the said Act No. 17 adopted at the 1957 Regular Session of the Legislature of Alabama shall be and hereby is amended so that the said Section 1 shall read as follows:

"Section 1. Meaning of Terms Used in This Act. The following words, terms and phrases where used in this act shall have the following respective meanings, except where the context clearly indicates a different meaning: 'this State' means the State of Alabama; 'Bibb County' means Bibb County in this State; 'State Sales Tax statutes' means Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama; 'State Sales Tax' means the tax imposed by the State Sales Tax statutes; 'State Use Tax statutes' means Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940 as the said Article 11 had been last amended on September 1, 1959, and as it existed on said date;

'State Use Tax' means the tax imposed by the State Use Tax statutes; 'registered seller' means the person registered with the State Department of Revenue pursuant to Section 790 of Title 51 of said Code, as heretofore amended; 'month' means a calendar month; 'quarterly period' means the period of three months ending on the last day of each March, June, September, or December; 'fiscal year' means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year. In addition to the foregoing definitions, all words, terms and phrases that are defined in the State Sales Tax statutes or in the State Use Tax statutes shall, where used in this act, have the meanings respectively ascribed to them in the State Sales Tax statutes or in the State Use Tax statutes, as the case may be, except where the context herein clearly indicates a different meaning."

Section 3. Section 2 of the said Act No. 17 adopted at the 1957 Regular Session of the Legislature of Alabama is hereby amended so that the said Section 2 shall read as follows:

"Section 2. Levy of License Tax Measured by Gross Sales or Gross Receipts. There is hereby levied in Bibb County, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

"(a) Upon every person, firm or corporation (including The Board of Trustees of the University of Alabama, The Alabama Polytechnic Institute, and all other institutions of higher learning in the State, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of any such institution) engaged or continuing, within Bibb County, in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stocks), an amount equal to one per cent (1%) of the gross proceeds of sales of the business except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business;

"(b) Upon every person, firm or corporation engaged or continuing, within Bibb County, in the business of conducting or operating places of amusement or entertainment, billiard and

pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within this State, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, a county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within Bibb County, an amount equal to one per cent (1%) of the gross receipts of any such business;

“(c) Upon every person, firm or corporation engaged or continuing within Bibb County in the business of selling at retail machines used in the mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines and attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily used in the operation thereof, an amount equal to one-half of one per cent ($\frac{1}{2}$ of 1%) of the gross proceeds of the sale of such machines, parts, attachments and replacements; and

“(d) Upon every person, firm, or corporation engaged or continuing, within Bibb County, in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-half of one per cent ($\frac{1}{2}$ of 1%) of the gross proceeds of the sale of said automotive vehicle, or truck trailer and semi-trailer; provided, that where any used automotive vehicle, used truck trailer, or used semi-trailer is taken in trade or in a series of trades as a credit or part payment on the sale of a new or used vehicle, the tax herein levied shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

provided, that there are exempted from the provisions of this section and from the computation of the amount of the tax imposed in this section the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the State Sales Tax statutes from computation of the amount of the State Sales Tax.”

Section 4. Section 3 of the said Act No. 17 adopted at the 1957 Regular Session of the Legislature of Alabama is hereby amended so that the said Section 3 shall read as follows:

"Section 3. Levy of Excise Tax on Use, Storage and Consumption of Tangible Personalty. An excise tax is hereby imposed on

"(a) The storage, use or other consumption in Bibb County of tangible personal property purchased at retail, on or after the first day of November, 1959, for storage, use or other consumption in Bibb County, at the rate of one per cent (1%) of the sales price of such property, regardless of whether the retailer is or is not engaged in business in Bibb County or in this State, except as provided in subsections (b) and (c) of this section;

"(b) The storage, use or other consumption in Bibb County of any machine used in the mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machines and attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, purchased at retail on or after the first day of November, 1959, for storage, use or other consumption in Bibb County, at the rate of one-half of one per cent ($\frac{1}{2}$ of 1%) of the sales price of such machine, parts, attachments, or replacements; and

"(c) The storage, use or other consumption in Bibb County of any automotive vehicle, truck trailer or semi-trailer purchased at retail on or after the first day of November, 1959, for storage, use or other consumption in Bibb County, at the rate of one-half of one per cent ($\frac{1}{2}$ of 1%) of the sales price of such automotive vehicle, truck trailer, or semi-trailer; provided, that where any used automotive vehicle or used truck trailer or used semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

provided, however, that there are exempted from the provisions of this section and the tax imposed in this section the storage, use or other consumption of property the storage, use or other consumption of which are presently exempted under the State Use Tax statutes from the State Use Tax. Subject to the exemptions provided for in the preceding sentence, every person storing, using or otherwise consuming in Bibb County tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the said tax has been paid by such person as herein provided; provided, however, that a receipt from a registered seller given, pursuant to Section 5 of this act, to the purchaser of any property to be used, stored or consumed in Bibb County shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer."

Section 5. Severability Clause. In the event any section, sentence, clause or portion of this act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this act, which shall continue effective.

Section 6. Effective Date of Act. This act shall become effective on the first day of the month succeeding the month during which this act shall be approved by the Governor or shall otherwise become law.

Approved November 13, 1959.
Time: 6:33 P. M.

Act No. 475

S. 5—Haltom

AN ACT

To repeal Title 51, Section 225, Code of Alabama, 1940 pertaining to reports of tax collectors.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 51, Section 225, Code of Alabama 1940, is hereby repealed.

Section 2. This act shall be effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved November 19, 1959.
Time: 8:24 A. M.

Act No. 476

H. 695—McCorquodale, Ray, Oden, Barnett, Nettles, Lee, Merrill, Meade, Grant, Daniel, Hankins, Broadfoot, Roberts, Gilchrist, Sullivan, Hearn, Taylor

AN ACT

To amend further Section 465 of Title 51, Code of Alabama 1940, in relation to the privilege license tax imposed on automobile accessory dealers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 465 of Title 51, Code of Alabama 1940, as amended, is amended further to read as follows:

“Section 465. Each person selling motor vehicle accessories, including automobile radios and air conditioning units, and motor

vehicle parts, and motor vehicle batteries, and tires, shall pay the following annual license: In cities of:

Over 100,000 population.....	\$40.00
25,000 to 100,000 population.....	30.00
5,000 to 25,000 population.....	20.00
2,000 to 5,000 population.....	10.00
All other places, whether incorporated or not.....	5.00

Provided regularly licensed filling stations or garages are not required to pay the above accessories license if their stock of accessories at any time does not exceed the wholesale value of seventy-five dollars."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:23 A. M.

Act No. 477

H. 839—Adams (Houston)

AN ACT

To amend Sections 4 and 7 of Title 51, Code of Alabama 1940, which relate to applications for exemptions of factories, industries, and plants from ad valorem tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 4 and 7 of Title 51, Code of Alabama 1940, are hereby amended to read as follows:

"Section 4. In order to obtain the benefit of the exemptions from county and city taxation above provided, a person, firm or corporation owning or controlling such factory, factories, plant or plants must make application in writing to the court of county commissioners, or court or board of like jurisdiction of the county, or to the constituted authorities of the city or town in which it is proposed to locate the same, giving the location thereof, the date of incorporation or organization of the corporation making the application, if a domestic corporation, and if a foreign corporation, giving the location thereof and the date on which such corporation was granted permission to do business in Alabama, or if not a corporation giving the date on which construction of such factory or plant was actually begun, and praying for an order to be made by them granting such person, firm or corporation the exemption provided in the preceding section, which application, if granted, shall be entered on the minutes of the court of county commissioners, or court or board of like jurisdiction, and on the minutes of the city or town in which said factory or plant is located, and designating the time when such exemption

shall expire, but all such property must be returned to the state for taxation unless exempted by law therefrom. If a building, plant, or factory is owned by a corporation, and its subsidiary or parent company operates the plant or factory and owns the works, machinery, or equipment operated therein, a separate application shall be made by each owner, and a separate exemption may be granted.

"Section 7. In order to obtain the benefits of the exemption and remittance provided for in the preceding section, the person, firm or corporation owning or controlling, or proposing to own or control, any such factory or plant must make application in writing to the department of revenue, stating, in the case of a corporation, the date and place of incorporation or organization and the location of the principal place of business in the state of the applicant; in the case of a person, the name and address of the applicant; and, in the case of a partnership, the names and addresses of the partners composing the applicant. In all cases the application shall also state the location and a general description of the factory or plant, or extension thereof, or addition thereto, or the proposed factory, or plant, or the proposed extension thereof, or addition thereto, as the case may be, and pray for an order to be made by the department of revenue, granting such applicant, his, its or their successors and assigns, the exemption and remittance provided for in the preceding section, which application, after having been granted, shall be entered on the records of the department of revenue, and an order made allowing and granting such exemption and remission and designating the date upon which the same shall expire. If a building, plant, or factory is owned by a corporation, and its subsidiary or parent company operates the plant or factory and owns the works, machinery, or equipment operated therein, a separate application shall be made by each owner, and a separate exemption may be granted."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:21 A. M.

Act No. 478

H. 1070—Copeland, Hanby

AN ACT

To provide for the compensation of special bailiffs in the circuit courts of all counties having a population of not less than 80,000 nor more than 94,000, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The special bailiffs summoned to serve in the circuit courts as provided by Section 186 of Title 13, Code 1940, as

amended, in all counties having a population of not less than 80,000 nor more than 94,000, according to the last or any subsequent federal decennial census, shall each be paid seven dollars and fifty cents (\$7.50) for each day he serves. His compensation shall be paid out of the county treasury on the certificate of the presiding judge showing that the bailiff's service was necessary.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:42 A. M.

Act No. 479

H. 1079—Cates

AN ACT

To establish a Law and Equity Court for Shelby County, Alabama: to define its jurisdiction and powers; to provide for its officers and appointment, election, terms of office, powers, duties and compensation; to provide a Court Reporter for said Court, whenever needed, and to fix and prescribe his duties and compensation; to provide that said Court shall be open at all times for the trial of causes and the transaction of business; to provide the rules and procedure of said Court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court, County Court, Probate Court and the Juvenile Court of Shelby County, Alabama; and to give the said Court juvenile and domestic jurisdiction; and to abolish the County Court of Shelby County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby established in and for Shelby County, Alabama, an Inferior Court of Law, both civil and criminal, and of Equity, which shall be called Shelby County Law and Equity Court, and which shall be a court of record, and which shall have and exercise concurrent jurisdiction now conferred, or which may hereafter be conferred, upon the several Circuit Courts of the State, provided that the said Shelby County Law and Equity Court shall not have jurisdiction to try a person charged with felonies and provided further that said court's civil jurisdiction on the law side of said court shall not exceed the sum of \$1,000.00, exclusive of the interest and cost, except, however, it is provided that in any civil action filed on the law side where a cross-action, counter-claim, set-off, or plea in recoupment is filed, claiming in excess of \$1,000.00, the court shall have jurisdiction of said action and shall proceed with it to a conclusion; and said court shall have concurrent jurisdiction with Justices of the Peace of Shelby County in all civil matters; and shall have exclusive original jurisdiction in all misdemeanors com-

mitted in Shelby County, except misdemeanors returned by the grand jury to the Circuit Court, and it shall have preliminary jurisdiction of all felonies, and of bastardy, unlawful detainer, and other criminal or quasi-criminal proceedings cognizable before Justice of Peace Courts; and shall also have and exercise such further jurisdiction, authority, functions and powers as are hereinafter conferred upon it by this Act.

Section 2. That the Governor of the State of Alabama shall designate and appoint the Judge of said Court immediately after the effective date of this act and said appointee shall hold office until the second Tuesday after the first Monday in January 1961 and until his successor shall be elected and qualified. A Judge of said Court shall be elected by the qualified electors of Shelby County, Alabama, at the general election to be held in 1960 and each six years thereafter, and the term of the judge of said Court shall commence on the second Tuesday after the first Monday in January following his election, and shall continue for a period of six years and until his successor shall be elected and qualified. The Judge of said Court, before entering upon the duties of said office, shall take the oath required by law to be taken by judges of the Circuit Courts of Alabama. The said judge shall be a qualified elector of Shelby County, Alabama, shall be learned in the law, and shall have been a member of the Shelby County Bar for not less than two years next preceding his appointment or election and shall be a member of the Alabama Bar in good standing, and shall be not less than twenty-five years of age. The said judge shall devote his entire time to the duties of his office, and shall be barred from the practice of law during his term of office. Said judge may be removed from office in the manner and for the causes now provided by law for the removal of Circuit Judges.

Section 3. Vacancies in the office of the judge of said court shall be filled by appointment by the Governor, and the person so appointed shall hold office as required by the Constitution and law of this State.

Section 4. That the clerk of the Circuit Court of Shelby County, Alabama, shall be ex-officio clerk of the Shelby County Law and Equity Court of Shelby County, Alabama, and shall have the same powers and discharge the same duties as clerks of the Circuit Courts, and shall be subject to the same pains and penalties with regard to the duties of the office, and shall be entitled to the same fees, commissions and emoluments as are now, or as may hereafter be, allowed to Circuit Clerks of Alabama, except as hereinafter provided, and the same shall be collected as such fees and commissions are collected in the Circuit Courts; except that in civil matters where suit is brought for \$100.00 or less only the fees and commissions allowed by law to Justices of the Peace shall be collected; and said clerk shall exercise the

same powers and perform the same duties as are exercised and performed in the Circuit Court. That the Register of the Circuit Court shall be ex-officio Register of the Shelby County Law and Equity Court and shall have the powers and discharge the duties which shall devolve upon the Register of the Shelby County Law and Equity Court and shall be subject to the same pains and penalties with regard to the duties of the office and shall be entitled to the same fees and commissions as are now, or as may hereafter be, allowed to the Register of Circuit Courts in Equity and the same shall be collected as such fees are collected in Circuit Courts.

Section 5. That the Judge of said Court shall receive a salary of not less than \$6,000.00 per annum nor more than \$7,200.00 per annum, to be fixed from time to time by the Shelby County Board of Revenue and Control, payable in twelve equal monthly installments out of the county treasury at the end of each month, his signed receipt being required.

Section 6. That the Deputy Solicitor of Shelby County, Alabama, shall be the Solicitor of said Court and in addition to duties now imposed upon said solicitor, he shall be required to attend said court and therein prosecute all cases of a criminal or quasi-criminal nature wherein the State is a party to the case; and for such services he shall receive a salary of not less than \$3,600.00 per annum nor more than \$4,800.00 per annum, to be fixed from time to time by the Shelby County Board of Revenue and Control, which shall be in lieu of the amount now fixed by law for his salary as Deputy Solicitor, and is to be paid in twelve equal monthly installments out of the County Treasury at the end of each month, his signed receipt being required.

Section 7. That the said Shelby County Law and Equity Court shall be held at the court house of Shelby County, Alabama, and that said court shall be open at all times for the trial of cases and transactions of business. In case of sickness or disqualification of the judge of said court, the law applicable to the appointment and service of special judges in the Circuit Court shall apply, and the special judge appointed shall receive for his services the same pay that special Circuit Judges receive for their services and the same to be paid out of the General Funds of Shelby County, Alabama on the certificate of the Clerk or the Register making the appointment. The Judge of said Court shall be subject to the same penalties for failure to attend upon the Court as are Circuit Judges of this State. The Judge of said Court shall keep an office in the court house of Shelby County, Alabama, or at such other suitable place as may be provided by the Board of Revenue and Control of Shelby County, and it shall be the duty of the Board of Revenue and Control of Shelby County to provide such office and supply the same with all furnishings, fixtures, stationery, telephone and other supplies necessary to enable to

the judge of said court to efficiently conduct the affairs of his office. The said judge shall receive an additional sum of \$600.00 per annum for a secretary payable in twelve equal monthly installments out of the county treasury at the end of each month, his signed receipt being required.

Section 8. The Judge of said Court shall have the right and power to determine and fix the time of holding the sessions of said Court for the trial of all cases, as he may deem expedient; provided, however, a session of said Court for the trial of criminal and civil cases shall be held at least once in each calendar month.

Section 9. Any party feeling aggrieved from the judgment of said Court rendered in any civil cause, may appeal from said judgment to the Circuit Court of Shelby County, Alabama, by giving security for the costs, the same to be approved by the Clerk or Judge of said Shelby County Law and Equity Court of Shelby County, Alabama, or if the party desiring to appeal, wishes to supersede the judgment of said court, then he may give security for cost, and a supersedeas bond in double the amount of the judgment, to be approved by the judge or clerk of said court. All appeals from judgments in civil causes in said court shall be taken to the Circuit Court within thirty days after the rendition of the judgment, and all appeals taken from said court shall be tried de novo in the Circuit Court in any case appealed from said court to the Circuit Court. The appellant, within ten days, after the perfection of his appeal and the appellee, within ten days after notice of appeal is served on him, may have the issues of fact tried by a jury in the Circuit Court by filing with the Clerk of the Circuit Court a written demand for a trial of said cause by a jury.

Section 10. In all criminal cases of conviction in said Shelby County Law and Equity Court of Shelby County, Alabama the defendant shall have the right of appeal to the Circuit Court of Shelby County, on entering into bond, with sufficient surety, to appear at the term of the Court to which the appeal is taken, and from term to term until discharged; the bond to be in such penalty as the Judge of the said Shelby County Law and Equity Court of Shelby County, Alabama may prescribe, and to be approved by the Judge or Clerk of said court. If the defendant does not make the bond required he shall remain in custody and said defendant may, within ten days after taking said appeal, demand in said Circuit Court a trial by jury; otherwise, said case shall be tried by the Court without a jury.

Section 11. That the Supreme Court and Court of Appeals of this state shall have appellate and supervisory jurisdiction over said court and the judge thereof, which may be exercised in the same manner as such jurisdiction may be exercised over the

Circuit Courts of the State, and the judge thereof, and appeals may be taken from the order and judgments of said court while sitting as a Court of Equity to the Supreme Court and Court of Appeals in the same manner, and within the same time, as appeals are now taken from the orders and judgments of the Circuit Courts of the State, (except as herein provided for appeals to the Circuit Court). The same rules, regulations and laws, applicable to appeals from the Circuit Court in Equity, to the Supreme Court or Court of Appeals shall govern appeals in all Equity cases from the Shelby County Law and Equity Court of Shelby County to the Supreme Court or Court of Appeals, unless otherwise provided in this Act.

Section 12. That there shall not be any jury trials in the Shelby County Law and Equity Court of Shelby County in the trial of civil and criminal cases but the Judge of said Court shall have the authority and power in all equity cases to draw and empanel petit juries for the trial of the issues of fact of all equity cases in which the parties are entitled by law to a trial by jury, as provided by Title 7, Section 322, 1940 Code of Alabama. In the trial of any such equity case by a jury, Sections 323, 324, 325 and 326, Title 7, 1940 Code of Alabama, shall govern the Court in the trial, summoning and paying of the jurors.

Section 13. All cases in equity, now or hereafter pending in the Circuit Court of Shelby County, Alabama, may be, by agreement of the parties thereto, transferred from the said Circuit Court to Shelby County Law and Equity Court of Shelby County.

Section 14: That the procedure, practice and rules governing the Circuit Courts of Alabama now, or which hereafter may be adopted, shall in all things apply to and govern the procedure and practice of the Shelby County Law and Equity Court except as otherwise provided herein.

Section 15: The Sheriff of Shelby County shall, in person or by a deputy, appointed by him, said appointment to be approved by the judge of said court, be required to attend upon said court in preserving order, and execute all writs of process and perform such other duties, in all respects as in the Circuit Court of this State, and such deputy required for attendance upon said session of said court, shall receive the sum of \$5.00 per day, payable out of the county treasury upon the warrant of the judge of said court, provided that such deputy shall not receive pay except for the time that the Court is actually in session and none of such compensation to the deputy shall be shared in by the Sheriff, and for the service by the sheriff of the process of said court, he shall receive such compensation as he receives under the law of the State of Alabama or any laws enacted in the future by the Legislature of Alabama for the compensation of the sheriff for

similar services in the Circuit Court, except as herein otherwise provided.

Section 16. That if, for any reason, forfeiture be taken on any bond on the criminal side of said Court, the court may order the alias *capias* returnable *instanter* or within ten days, and unless the party or parties against whom the forfeiture is taken shall appear and show cause, when the forfeiture is returnable, why the forfeiture should be set aside, then the court is hereby authorized and empowered to make the judgment final.

Section 17: That the judge of the Shelby County Law and Equity Court of Shelby County shall adopt a seal for the law side of the docket of the Shelby County Law and Equity Court which shall be kept in the custody and control of the clerk of the court.

Section 18: That the judge of the Shelby County Law and Equity Court of Shelby County shall adopt a seal for the equity side of the docket of the Shelby County Law and Equity Court which shall be kept in the custody and control of the register of the court.

Section 19. When the summons, writ of attachment, summons and complaint in attachment, or other process either in law or in equity has been executed on the defendant or service perfected on him, as required by law, the defendant shall appear and plead, answer, or demur thereto within the time now, or which hereafter may be, provided by law, in the Circuit Court.

Section 20: That said Shelby County Law and Equity Court shall have exclusive jurisdiction over children and the judge of said Shelby County Law and Equity Court shall be the Judge of the Juvenile Court; it being the intention to confer complete, full, unlimited and exclusive jurisdiction upon the Shelby County Law and Equity Court of all juvenile matters and juvenile jurisdiction in Shelby County, Alabama, as now provided under Title 13, Chapter 7, Sections 350 to 383, both inclusive, of the Code of Alabama of 1940, or as hereafter amended, and appeals in such cases shall be as provided by law. The Clerk of the Shelby County Law and Equity Court is hereby made the Clerk of such Court exercising such jurisdiction over juvenile matters.

Section 21: That this Court shall have exclusive and original jurisdiction of all cases arising under Title 34, Article 3, Sections 89 to 104, both inclusive, of the Code of Alabama of 1940, or as hereafter amended, which Article 3 is entitled Desertion and Non-Support. That the trial of such cases shall be by the Court without a jury and appeals in such cases shall be as provided by law. That the Judge of said Shelby County Law and Equity Court shall be the Judge of the Domestic Relations Court, it being the intention to confer complete, full, unlimited and ex-

clusive jurisdiction upon the Shelby County Law and Equity Court of all domestic relations matters arising under Title 34, Article 3, Section 89 to 104, both inclusive, of the Code of Alabama of 1940, as amended or as hereafter may be amended.

Section 22: Prosecutions for misdemeanors committed in Shelby County may be instituted in the said court by making an affidavit before the judge, clerk, or the solicitor of said Court, the writ on said affidavit to be issued by the judge, clerk or the solicitor of said court, and when the defendant is arrested on said affidavit and warrant, the case shall go on the docket for trial, and be tried as though the defendant has been indicted by a grand jury, provided, however, that the affidavit or complaint may be amended, as now provided for amendment of such papers by Section 347, Title 13, of the Code of Alabama of 1940. All affidavits or warrants for criminal or quasi criminal acts, of whatever kind issued by the Justices of Peace of Shelby County shall be returnable to this Court.

Section 23: The Judge or Solicitor of said Court and Justices of the Peace shall have power to issue search warrants. The Judge of said court shall have power to issue writs of habeas corpus, prohibition, certiorari, quo warranto, injunctions and all other special and extraordinary writs, and the procedure, practice and rules of the Circuit Courts of Alabama relating to such writs as are now, or which hereafter may be provided by law, except as otherwise provided in this Act, shall prevail in the Shelby County Law and Equity Court, and the Judge thereof shall have the same powers and authority, including punishment for contempt as is or hereafter may be conferred upon the judges of the Circuit Courts of Alabama, unless otherwise provided in this Act.

Section 24: The Judge of The Shelby County Law and Equity Court shall have the power and the authority to secure the services of a competent Court Reporter to attend the sessions of the Court and report all cases tried when request therefor is made by any party to the suit. The Reporter shall serve at the will and pleasure of the Judge of said Court. The Reporter shall receive a minimum of \$10.00 and a maximum of \$25.00 for each day, or fraction thereof, that he or she is called upon to serve, to be paid out of the County Treasury of the County on a warrant drawn thereon by the Judge of said Court and in addition he or she shall receive for his or her own use from the parties interested, at their request, fifteen cents (15c) per hundred words for making a transcript of evidence taken by such reporter and appending thereto his or her certificate to the correctness of the same; and five cents (5c) per hundred words for each copy thereof, to be paid to said Reporter in advance, upon ordering such transcript or copy thereof. The Reporter shall be required to keep his or her notes for public use and inspection.

Section 25: That from and after the passage of this Act all fines and forfeitures assessed and collected in said court shall be deposited in the General Fund of Shelby County, Alabama, except as otherwise provided by law.

Section 26: That claims accruing in the Shelby County Law and Equity Court will be claims against said fund, and such claims must be paid in the order in which they are registered, as provided by law.

Section 27: It shall be the duty of the clerk of said Court to keep a record upon which shall be recorded all affidavits made before the judge, clerk or solicitor of said court, or returnable by a justice of the peace to said court, and if any of said affidavits should be lost or destroyed, a certified copy of the said record shall be used the same as the original affidavit and for recording each of said affidavits, the Clerk shall receive a fee of seventy-five cents to be taxed as costs in case of the defendant's conviction.

Section 28: Judgments or decrees rendered by the Shelby County Law and Equity Court shall be a lien on the property of the judgment debtor which is subject to levy and sale under execution in the same manner and for the same period of time as is now, or as hereafter may be, provided by law for courts of record of this state upon the filing in the office of a Judge of Probate of a certificate of the said judgment or decree issued by the Clerk or Register of the said court as it now, or as hereafter may be, provided by law; and the said judgment or decree may be revived in the manner now, or as hereafter may be, provided by law.

Section 29: The venue of any case in the said Shelby County Law and Equity Court may be changed to other counties as it is now, or as it hereafter may be, provided by law for the several Circuit Courts of like jurisdiction.

Section 30: That final judgments rendered in said court shall, after the expiration of thirty days from their rendition, be taken and deemed to have passed beyond the control of said court, as if the term of court at which judgments were rendered had ended, provided, however, that nothing herein contained shall prevent the parties applying for a new trial or rehearing within thirty days, or change or destroy the office of motion for new trials or rehearings, when so made, or shall prevent parties from applying to the court for rehearing under statutes authorizing applications for rehearing in the Circuit Court.

Section 31: That there shall be taxed against the defendant on conviction the same solicitor's fee and the same shall be collected in the way provided by law for taxing and collecting solicitor's fees in the Circuit Court, and when collected shall be paid into the treasury of Shelby County, Alabama.

Section 32: That the County Court and the Juvenile Court of Shelby County are hereby abolished, and from the effective date of this Act shall no longer exist, and no officer of this State shall collect any fees or salaries because of said Courts, or for service rendered in said courts, and all cases pending in said County Court and Juvenile Court, when this Act becomes law, shall immediately become pending upon the docket of the Shelby County Law and Equity Court, as though originally brought in said Courts, and shall be called for trial on the first Monday in the month, following the effective date of this act.

Section 33: That a trial tax of three dollars (\$3.00) shall be imposed in each case, civil, criminal and equity, which is docketed in said Shelby County Law and Equity Court, to be taxed and collected as other costs, and when collected, to be paid by the Clerk or Register of said Shelby County Law and Equity Court into the general funds of the county as other costs, provided, however, that in civil cases at law where the amount involved is Fifty Dollars or less, a trial tax of only \$1.00 shall be imposed and collected, provided further that in all criminal cases where the defendant is charged with violating any of the provisions of Title 36 of the 1940 Code of Alabama and pleads guilty, no trial tax shall be imposed or collected.

Section 34. This Act shall in no way affect the present authority and jurisdiction of Municipal Courts.

Section 35: Witnesses summoned and attending the Shelby County Law and Equity Court shall be entitled to the same per diem and mileage as are paid witnesses in the Circuit Court of Shelby County, Alabama.

Section 36: That the Ex-Officio Clerk of the Shelby County Law and Equity Court shall receive as ex-officio fees for ex-officio duties performed as Clerk of the Shelby County Law and Equity Court the same amount which he is paid by the Circuit Court as provided by Title 11, Section 4, 1940 Code of Alabama, as amended. Such sum to be paid in twelve monthly installments out of the General Fund of Shelby County, Ala.

Section 37: That the Clerk and Register, with the approval of the Judge of said Court, are hereby authorized and required to purchase all necessary furnishings, records, stationery and supplies for the equipment and maintenance of said court, and the same shall be paid out of the county treasury upon warrants drawn by the Judge and signed by the clerk.

Section 38: That if, for any reason, any section, provision or clause of this Act shall be held to be unconstitutional or invalid, that fact shall not destroy the constitutionality of this Act except as to that clause or section.

Section 39: That all laws in conflict with this Act are hereby repealed.

Section 40: That this Act upon its passage and approval by the Governor or its otherwise becoming law, shall become effective on January 1, 1960.

Approved November 19, 1959.

Time: 8:43 A. M.

Act No. 480

H. 1091—Cabiness

AN ACT

To provide that Justices of the Peace, in all Counties having a population of not less than 38,750 and not more than 39,250 according to the last or any subsequent Federal decennial census, shall not have any jurisdiction over any criminal offense, unless, there is no other Court or Courts existing in any such County which can lawfully exercise jurisdiction over such offense; to abolish the criminal jurisdiction of Justices of the Peace in such Counties and to confer the same upon other Court or Courts existing in such Counties which can lawfully exercise such jurisdiction.

Be It Enacted by the Legislature of Alabama:

Section 1. In all Counties having a population of not less than 38,750 and not more than 39,250, according to the last or any subsequent Federal decennial census, Justices of the Peace shall not have any jurisdiction over any criminal offense, unless, there is no other Court existing in any such County which can lawfully exercise such jurisdiction over such offense.

Section 2. In such Counties the criminal jurisdiction of all Justices of the Peace be and the same is hereby abolished, unless, there is no Court which can lawfully exercise such jurisdiction; and such criminal jurisdiction be and the same is hereby conferred upon such other Court or Courts as may exist in such Counties which can lawfully exercise such jurisdiction.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective upon its passage by the Governor or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:43 A. M.

Act No. 481

H. J. R. 100—Ashworth

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the members of the

Legislature do hereby express their thanks and appreciation to Mr. Charles Cooper, Director of the Legislative Reference Service and all members of his staff for the excellent service and assistance they have rendered to the members of the Legislature in preparing and drafting bills, resolutions and other legislative documents.

Mr. Cooper and his staff have always been ready and able to advise with members of the Legislature and thereafter carry out our wishes in a prompt and efficient manner.

BE IT FURTHER RESOLVED That the Clerk of the House be directed to transmit a copy of this Resolution to Mr. Charles Cooper.

Approved November 19, 1959.

Time: 8:45 A. M.

Act No. 482

H. J. R. 102—Ashworth

HOUSE JOINT RESOLUTION

WHEREAS the printing of Bills, Resolutions, Roll Calls, Daily Calendars, Pamphlet Acts and other forms have been a necessary and vital part of the efficient functioning of this Legislature, and

WHEREAS the Brown Printing Company through their Executive Vice President, Herbert R. Nation have cooperated with the Legislature far beyond the terms of their contract to the end that at no time has the business of the Legislature been delayed, said printer having been of constant service to this Legislature, therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING that the Brown Printing Company and Mr. Nation are hereby thanked and commended for their efficiency and promptness during this session of the Legislature.

Approved November 19, 1959.

Time: 8:44 A. M.

Act No. 483

H. J. R. 103—Ashworth

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the Secretary of the Senate, the Clerk of the House, the Secretary of State and the doorkeepers of the House and Senate be and they are hereby relieved of any responsibility for the Codes, Supplements, Acts,

Journals and any other books furnished to the members of the Legislature, and

BE IT FURTHER RESOLVED that the Clerk of the House and the Secretary of the Senate be and they are hereby relieved of any responsibility for the legislative payrolls of all sessions of this year and said payrolls as heretofore submitted and paid are hereby approved.

Approved November 19, 1959.

Time: 8:46 A. M.

Act No. 484

H. J. R. 104—Ashworth

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the Legislature acknowledges with grateful appreciation the numerous and faithful services rendered by Miss Mittie Miller and Charles Miller, who are now and have been for many years loyally and faithfully serving the Legislature and all of its members.

BE IT FURTHER RESOLVED that "Mittie" and Charles are hereby commended and heartily thanked not only for the diligence with which they always perform their duties, but their readiness at all times to go beyond the call of duty to accommodate or render a favor to the members of the Legislature.

Approved November 19, 1959.

Time: 8:46 A. M.

Act No. 485

H. J. R. 106—Meade

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the bill H. B. 345, which has passed both Houses be designated and known as "The Meade, Guthrie, Harris, Ray, Oden, Harvey, Jenkins, Albea, Casey, Solomon, Godfrey and Clark Bill."

Approved November 19, 1959.

Time: 8:47 A. M.

Act No. 486

H. J. R. 107—Goodwyn

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislative Council be directed to make a comprehensive survey

of all statutes, practices, and policies of the state government relative to the compensation of, or the method of compensating state officers and employees; also, to make comparative studies of other state government pay plans and policies and the pay plans and policies of private industry and private enterprises, toward the end of developing a systematic, feasible, harmonious, and equitable method of compensating state officers and employees on the basis of responsibility, merit, and related factors. The Council shall enlist the aid and assistance of all state departments, agencies, and institutions in the performance of their duties hereunder, especially the State Personnel Department and the director thereof, and shall hold such hearings and conduct such inquiries as may be necessary to obtain the views, advice, and suggestions of all persons and groups interested in the result of the Council's study. The Council shall submit its findings, conclusions, and recommendations to the Legislature not later than the fifth legislative day of the next regular session.

Approved November 19, 1959.

Time: 8:48 A. M.

Act No. 487

H. J. R. 108—Smith (St. Clair)

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the bill H. B. 1042, which has passed both Houses be designated and known as "The Smith (St. Clair)-Wyatt Bill."

Approved November 19, 1959.

Time: 9:00 A. M.

Act No. 488

H. 998—Albea, Merrill

AN ACT

To alter, extend and rearrange the boundary lines and corporate limits of the City of Piedmont in Calhoun County, so as to annex certain territory to the city.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Piedmont in Calhoun County, Alabama, are hereby altered, extended, and rearranged so that all of the lands hereinafter described not heretofore being embraced in the limits of such city and any and all other territory presently embraced therein will lie and be within the boundaries and corporate limits of such city:

Beginning at the southwest corner of the Southwest Quarter of Section 6, Township 13 South, Range 10 East, in Calhoun

County, Alabama; running thence north along the west line of the said "Forty" to the northwest corner thereof; thence east along the north line of the said "Forty" and continuing east along the north line of the Southeast Quarter of the Southwest Quarter of Section 6, Township 13, Range 10, to the northeast corner of said "Forty"; thence south along the east line of said "Forty" to the northeast corner of the east one-half ($E\frac{1}{2}$) of the Northwest Quarter of Section 7, Township 13, Range 10 and continuing south along the east line of the said east half ($E\frac{1}{2}$) of the Northwest Quarter to the north boundary of the right-of-way of the Piedmont-Jacksonville Highway; thence with and along the said right-of-way southwesterly to a point where said highway right-of-way line intersects the Cherokee-Creek Indian boundary line, which is the south line of the east one-half ($E\frac{1}{2}$) of the Northwest Quarter of said Section 7; thence westerly along said Indian boundary line 341.9 feet to the southwest corner of the east one-half ($E\frac{1}{2}$) of the Northwest Quarter of said Section 7; thence north along the west line of said east one-half ($E\frac{1}{2}$) of Northwest Quarter to the southeast corner of the Southwest Quarter of the Southwest Quarter of said Section 6, Township 13, Range 10 East; thence west along the south line of the said "Forty" to the point of beginning.

All of the foregoing property being situated in Sections 6 and 7, Township 13 South, Range 10 East and in Calhoun County, Alabama.

There is excepted from the foregoing description all the property lying within the present city limits of the City of Piedmont, Alabama.

Also, fractional Lots Eighteen (18), Twenty-three (23) and Twenty-four (24) in fractional Section Thirty-one (31), Township Twelve (12), Range Ten (10) in Calhoun County, Alabama. There is excepted from the foregoing description all the property lying within the present city limits of the City of Piedmont, Alabama. There is also excepted from this description a triangular strip of land containing Two and one-half ($2\frac{1}{2}$) acres, more or less, situated on the south side of the Piedmont-Gadsden Highway out of the southwest corner of the said Lot 23.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:49 A. M.

Act No. 489

H. 1071—Hanby, Copeland

AN ACT

To amend Act No. 737, S. 548, approved September 20, 1957, an act

providing for the operation of the county board of equalization of each county having a population of not less than 80,000 nor more than 94,000, according to the last or any subsequent federal decennial census (Acts of Alabama 1957, Vol. II, pp. 1158, 1159).

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1, 2, 3, and 5, of Act No. 737, S. 548, approved September 20, 1957, an act providing for the operation of the county board of equalization of each county having a population of not less than 80,000 nor more than 94,000, according to the last or any subsequent federal decennial census (Acts of Alabama 1957, Vol. II, pp. 1158, 1159), are amended to read as follows:

"Section 1. In each county having a population of not less than 80,000 nor more than 94,000, according to the last or any subsequent federal decennial census, the members of the county board of equalization shall meet on October first of each year, and at such times thereafter as the board may in its discretion deem necessary to the proper performance of its duties, and each member of the board shall be paid at the rate of ten dollars (\$10.00) per diem; provided, however, that the board shall not meet, nor shall the members receive pay, for more than one hundred eighty (180) working days during any one tax year; provided, however, that the commissioner of the state department of revenue is authorized to grant the board the right to meet any additional time necessary for the proper performance of the duties of the board. The board and its employees shall be allowed annual traveling expenses in such amount as may be prescribed by the court of county commissioners, board of revenue or like governing body of the county, and such traveling expense shall be paid monthly to each member of the board and its employees on vouchers approved by the chairman of the board and the county governing body. The commissioner of the state department of revenue shall designate a chairman of the board of equalization on or prior to the first meeting of the board each year, said chairman to act for the ensuing year.

"Section 2. The board of equalization of each county to which this Act applies may employ a clerk-stenographer and two clerk-appraisers, who shall serve at the pleasure of the board of equalization and shall receive such compensation as may be fixed by the court of county commissioners, board of revenue, or other like governing body of the county. Such governing body of the county shall furnish and supply the county board of equalization with adequate office space, necessary furniture and equipment, all necessary books, maps, stationery, and printed blanks and forms as in the discretion of such governing body may be necessary for the effective performance of the duties required of the board of equalization, and such other employees as may be

necessary to the proper discharge of the duties of the board of equalization.

"Section 3. The per diem of the chairman, the per diem of board members, and the expense allowances provided the board, together with the salaries of the employees of the board, shall be paid in the same manner and proportion as prescribed by law for the payment of compensation and expenses of members of boards of equalization of the several counties of the state.

"Section 5. The tax assessor of the county shall serve as secretary of the board of equalization as prescribed in Section 93, Title 51, Code of Alabama 1940. The board of equalization shall make all assessments final and deliver such final assessments to the tax assessor on or before the third Monday in June of each year. Nothing in this Act shall be construed so as to limit the power of the Commissioner of Revenue to set aside final assessments."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:17 A. M.

Act No. 490

H. 1074—Hankins

AN ACT

To direct and require the commissioner of revenue and the state department of revenue to collect any sales and use taxes now or hereafter levied in the town of Millport, Lamar County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said town; to prescribe the powers, duties, and authority of the commissioner of revenue, the state department of revenue, and the comptroller with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The department of revenue is hereby authorized, directed, and required to collect any sales and use taxes which may be levied in Millport, Lamar County, under the provisions of any municipal ordinance or resolution with a levy identical to the state levy except for rate of tax, subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishments, and deductions as are applicable to the state sales and use taxes levied under Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, and all acts now or here-

after amendatory thereof or supplementary thereto, except where inapplicable or where herein otherwise provided, including the provisions for the enforcement and collection of taxes when said ordinance or resolution is duly promulgated and adopted by the governing body of Millport, Lamar County, and when a certified copy of said ordinance or resolution has been filed with the department of revenue. Provided, that such taxes shall not be collected from or levied upon the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC liquor stores. Such municipal sales and use taxes shall be collected by the department at the same time and along with the collection by the department of taxes levied and collected for the State of Alabama under the provisions of Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as amended, and all reports required to be made to the commissioner of revenue hereunder shall, on request to the department of revenue, be made available for inspection by the governing body of Millport, Lamar County, or its designated agent, at reasonable times during business hours. The department of revenue shall prepare and distribute such reports, forms and other information as may be necessary for the collection of such municipal sales and use taxes, and shall have all the authority and duties hereunder as it has in connection with the collection of the State's sales and use taxes provided for by Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as amended. It shall be the duty of the commissioner of revenue to pay into the state treasury all such taxes collected for Millport, Lamar County, under this Act; and on or before the first day of the following month, the commissioner shall certify to the comptroller the amount of special taxes levied and collected under the provisions of this Act for the use and benefit of Millport, Lamar County, during the calendar month immediately preceding the making of such certificate. Whereupon it shall be the duty of the comptroller to issue his warrant on the state treasurer for the amount, less expenses, so certified by the commissioner of revenue as having been collected for the use of Millport, Lamar County, and paid into the state treasury; and the amount so certified by the commissioner of revenue as having been collected for the use of such town (less expenses) shall be paid to the treasurer or other custodian of funds of Millport, Lamar County. The department of revenue shall charge Millport, Lamar County, for collecting such municipal sales and use taxes the cost of making such collections provided, however, that such charge shall not exceed ten percent of the amount collected. The comptroller shall each month draw his warrant on the funds collected hereunder payable to the department of revenue for the amount of such charges. The department of revenue shall have full authority to employ such special counsel as it deems necessary

from time to time to enforce collection of such municipal sales and use taxes, and otherwise to enforce the provisions of the ordinance or resolution levying such taxes, including any litigation required, and the department of revenue shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes payable to Millport, Lamar County, under the provisions of this Act.

Section 2. Any municipal ordinance or resolution levying a tax required to be collected hereunder, any amendment, or addition, or other change in such ordinance or resolution shall be effective on the first day of the month next following the expiration of thirty days from the date of the adoption of such municipal ordinance or resolution, provided, however, the department of revenue shall not be required to make any collection of taxes or otherwise perform the duties provided herein until and unless a certified copy of such ordinance or resolution, or amendment thereto, is filed with the department of revenue not less than thirty days prior to the effective date of said ordinance, resolution, or amendment thereto.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:11 A. M.

Act No. 491

H. 1075—Turner

AN ACT

To amend Sections 1, 2, 4, and 6 of Act No. 68 adopted at the 1957 Regular Session of the Legislature of Alabama so that the scope of the license taxes levied in Limestone County by said Act No. 68 and the exemptions and other provisions applicable to said license taxes shall parallel, although at the rates herein specified, the scope of the state sales and use taxes levied by Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and by Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as last amended prior to September 1, 1959, and the exemptions and other provisions applicable to the said state sales and use taxes; so as to make subject to said license taxes, at the rates herein specified, the sale, use, storage and consumption of machines, and parts, attachments and replacements therefor, used in mining, quarrying, compounding and manufacturing tangible personal property; and so as to increase the rate of said license taxes with respect to sale, use, storage or consumption of automotive vehicles, truck trailers and semi-trailers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 68 adopted at the 1957 Regular Session of the Legislature of Alabama is hereby amended to read as follows:

"Section 1. In Limestone County there is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, special county privilege or license taxes and excise taxes paralleling, with like provisions in the county, such state taxes as are levied by the State of Alabama by Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as said article had been last amended on September 1, 1959, and as it existed on said date, in an amount equal to thirty-three and one-third per cent of the state levy, as follows:

"(1) A privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against the gross sales, or gross receipts, as the case may be, as follows:

"(a) Upon every person, firm or corporation (not including the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC stores, but including the University of Alabama, Alabama Polytechnic Institute and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of such institutions) engaged, or continuing within Limestone County in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks), an amount equal to one per cent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business.

"(b) Upon every person, firm or corporation engaged, or continuing within Limestone County, in the business of conducting or operating, places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions,

football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution within the county, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, a county, or a municipal institution or association or a state, county or city school or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within Limestone County, an amount equal to one per cent of the gross receipts of any such business.

“(c) Upon every person, firm or corporation engaged or continuing within Limestone County in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines, attachments and replacements therefor which are made or manufactured for use on or in operation of such machines, and which are necessary to the operation of such machines and are customarily so used, an amount equal to one-half of one percent of the gross proceeds of such machines, attachments, parts and replacements therefor.

“(d) Upon every person, firm or corporation engaged or continuing within Limestone County in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-half of one percent of the gross proceeds of the sale of such automotive vehicle, truck trailer and semi-trailer.

“Where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

“(2) (a) An excise tax on the storage, use or other consumption in Limestone County of tangible personal property purchased at retail on or after December 1, 1959, for storage, use, or other consumption in the county at the rate of one per cent of the sales price of such property, regardless of whether the retailer is or is not engaged in the business in the county, except as provided below in paragraphs (b) and (c) of this subsection.

“(b) An excise tax on the storage, use or other consumption in Limestone County of any machine used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machine, attachments, and

replacements therefor which are made or manufactured for use on or in the operation of such machine, purchased at retail on or after December 1, 1959, for storage, use or other consumption in Limestone County, at the rate of one-half of one per cent of the sales price of such machine or the parts, attachments, or replacements therefor.

“(c) An excise tax on the storage, use, or other consumption in Limestone County of any automotive vehicle, truck trailer or semi-trailer purchased at retail on or after December 1, 1959, for storage, use or other consumption in Limestone County at the rate of one-half of one per cent of the sales price of such automotive vehicle, truck trailer, or semi-trailer. Where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

“Every person storing, using, or otherwise consuming in Limestone County tangible personal property purchased at retail after December 1, 1959, shall be liable for the tax, and the liability shall not be extinguished until the tax has been paid as provided for by this Act; provided, however, that a receipt from a retailer maintaining a place of business in Limestone County showing the payment of such tax shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.”

Section 2. Section 2 of Act No. 68 adopted at the 1957 Regular Session of the Legislature of Alabama is hereby amended to read as follows:

“Section 2. The taxes provided for in Section 1 of this Act shall be subject to all definitions, exceptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishments and deductions as are applicable to the state sales and use taxes levied under Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as said article had been last amended on September 1, 1959, and as it existed on said date, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection of the taxes.”

Section 3. Section 4 of Act No. 68 adopted at the 1957 Regular Session of the Legislature of Alabama is hereby amended to read as follows:

“Section 4. The taxes imposed by this Act shall be collected by the State Department of Revenue at the same time and along

with the collection by the department of taxes levied and collected for the State of Alabama under Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as said article had been last amended on September 1, 1959, and as it existed on said date, and all reports now required to be made to the Commissioner of Revenue of the State of Alabama shall, on request of the Department of Revenue, be available for inspection by the chairman of the county governing body of Limestone County, or his designated agent, at reasonable times during business hours. The State Department of Revenue shall prepare and distribute such reports, forms, and other information as may be necessary for the collection of the additional taxes herein imposed, and shall have all the authority and duties in connection with such additional taxes as are now given by law to the department for the collection of state sales and use taxes under Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as said article had been last amended on September 1, 1959, and as it existed on said date. It shall be the duty of the Commissioner of Revenue to pay into the State Treasury all collections of taxes made hereunder, and on or before the first day of the following month the Commissioner of Revenue shall certify to the State Comptroller the amount of special taxes levied and collected under the authority of this Act for the use and benefit of Limestone County during the calendar month immediately preceding the making of such certificate to the State Treasurer; whereupon it shall be the duty of the State Comptroller to issue his warrant on the State Treasury, payable to the custodian of the county school funds of Limestone County for the amount so certified by the Commissioner of Revenue as having been collected for the use and benefit of Limestone County and paid into the State Treasury. The State Department of Revenue shall charge Limestone County for collecting the taxes levied by this Act a percentage of the taxes to be computed on the basis that the total cost of collecting the State's sales and use taxes bears to the total of state sales and use taxes collected for each fiscal year ending September 30th. Such charge for collecting such taxes shall be deducted once each year from the special sales and special use taxes collected in the month of September of each year before certifying the amount of special sales and special use taxes due Limestone County for such month."

Section 4. Section 6 of Act No. 68 adopted at the 1957 Regular Session of the Legislature of Alabama is hereby amended to read as follows:

"Section 6. The taxes levied by this Act shall be due and collectible at the same times and manner as the state sales and

use taxes, and as set out in Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as said article had been last amended on September 1, 1959, and as it existed on said date, and all of the methods and provisions given to the State of Alabama as to the collection of such taxes under the provisions of Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as said article had been last amended on September 1, 1959, and as it existed on said date, are given hereby to Limestone County, and to the State Department of Revenue for Limestone County's use, as to the taxes levied by this Act."

Section 5. The provisions of this act are severable. In the event any section, clause, portion, provision or sentence hereof should be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any of the remaining sections, clauses, portions, provisions or sentences hereof.

Section 6. This act shall become effective on December 1, 1959.

Approved November 19, 1959.

Time: 8:12 A. M.

Act No. 492

H. 1082—Brannan

AN ACT

To alter, re-arrange, and extend the boundaries and corporate limits of the Town of Gulf Shores in Baldwin County, Alabama.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The boundaries of the Town of Gulf Shores in Baldwin County are hereby altered, re-arranged and extended so as to include within the corporate limits of said municipality the following described lands lying and being in said Baldwin County, to-wit:

Beginning at the Southwest corner of Section 16, Township 9 South, Range 4 East, Baldwin County, Alabama, run thence North along and with the Section line to the point of intersection of the West line of said Section 16 with the South right-of-way line of Alabama Highway No. 59; thence continue North along and with the East right-of-way line of said Alabama Highway No. 59 to the North line of said Section 16; run thence East to the Southeast corner of the West Half ($W\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section 9, Township 9 South, Range 4 East; run thence North to the Northeast corner of said West Half ($W\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section 9, Town-

ship 9 South, Range 4 East; run thence West to the West right-of-way line of Alabama Highway No. 59; run thence South along the West line of said Alabama Highway No. 59 to the center line of Dixie Graves Parkway; run thence Westward along and with the center line of Dixie Graves Parkway to a point North of the dividing line between Lots 16 and 17 in Division No. One of Gulf Woods; run thence South between Lots 16 and 17 in Division No. One of Gulf Woods to a point on the North line of Section 19, Township 9 South, Range 4 East, said point being 1570 feet West of the Northeast corner of said Section 19, Township 9 South, Range 4 East; run thence West along the Section line to the Northwest corner of Section 19, Township 9 South, Range 4 East; run thence South along the West line of said Section 19 to the center line of West Gulf Shores Boulevard; run thence Eastward along and with the center line of West Gulf Shores Boulevard to the West right-of-way line of West Second Street (according to the plat of Unit One of Gulf Shores, Alabama); run thence Southeastward along and with the West right-of-way line of said West Second Street to the margin of the Gulf of Mexico; run thence Northeastward along the margin of the said Gulf of Mexico to the East line of Lot 1, Block 2, Unit Five of Gulf Shores; run thence North along the East line of Lot 1, Block 2, Unit Five of Gulf Shores to the center line of East Gulf Shores Boulevard; run thence Eastward along the center line of the said East Gulf Shores Boulevard to the Alabama State Park line; run thence North along the Alabama State Park line to the North line of Section 21, Township 9 South, Range 4 East; run thence West along the Section line 0.625 mile to the point of beginning.

SECTION 2. The substantive provisions of this Act shall become operative only if the Act is approved by the qualified electors who reside within that part of the territory hereinabove described which is not presently included within the corporate limits of the Town of Gulf Shores, voting in a referendum election to be held on a day designated by the Probate Judge of Baldwin County, not less than twenty nor more than forty days from the date of this enactment. The notice of the election shall be given by the Probate Judge of Baldwin County, and the election shall be held, conducted and the results thereof canvassed in the manner prescribed by Article 2 of Chapter 5 of Title 37, Code of Alabama 1940, for giving notice of and conducting elections on the question of annexing territory to cities of twenty-five thousand or more inhabitants insofar as such provisions of said article may be appropriate; provided, however, no resolution of the municipal governing body need be made or filed with the Probate Judge, nor need a plat or map of the territory to be annexed be filed with the Probate Judge. The question shall be on the adoption of Act No. _____,

H. _____ of the 1959 Regular Session of the Legislature, which alters, re-arranges and extends the corporate limits of the Town of Gulf Shores in Baldwin County. Each voter may furnish his own ballot, and if he desires to vote for the adoption of said Act there shall be written or printed on such ballot the word "YES". If he desires to vote against the adoption of such Act the word "NO" shall be written or printed on his ballot. The Town of Gulf Shores shall pay all costs and expenses incident to the election.

If a majority of the votes cast in the election are "YES" the provisions of this Act shall become operative immediately. If the Majority are "NO" this Act shall have no further effect.

Approved November 19, 1959.

Time: 8:50 A. M.

Act No. 493

H. 1130—Dodd

AN ACT

To amend Act No. 25 adopted at the 1959 First Special Session of the Legislature of Alabama entitled "An Act relating to Lawrence County, Alabama; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing that the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Articles 10 and 11, as amended; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes", so that the scope of the license tax levied in said Act No. 25 and the exemptions and other provisions applicable to said license tax shall parallel, although at the rates herein specified, the scope of the State Sales Tax levied by Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama, and the exemptions and other provisions applicable to the said State Sales Tax; so that the scope of the excise tax levied in said Act No. 25 and the exemptions and other provisions applicable to said excise tax shall parallel, although at the rates herein specified, the scope of the State Use Tax levied by Article 11 of Chapter 20 of Title 51 of the Code

of Alabama, as last amended prior to September 1, 1959, and the exemptions and other provisions applicable to the said State Use Tax; so as to adopt by reference certain provisions of the said Act No. 100 and the said Article 11, as so amended; so as to make subject to the said license tax the sale of machines, and parts, attachments and replacements therefor, used in mining, quarrying, compounding, processing and manufacturing tangible personal property; so as to make subject to the said excise tax the use, storage or consumption of such machines, parts, attachments, and replacements; and so as to increase the rate of said license tax and of said excise tax with respect to the sale, use, storage or consumption of automotive vehicles, trailers, and semi-trailers.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 25 adopted at the 1959 First Special Session of the Legislature of Alabama and entitled "An Act relating to Lawrence County, Alabama; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Articles 10 and 11, as amended; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes" is hereby amended so that the said title shall read as follows: "An Act relating to Lawrence County, Alabama; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of

tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and of Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as last amended prior to September 1, 1959; providing that the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Act No. 100 and said Article 11, as amended as aforesaid; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to person subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes."

Section 2. Section 1 of the said Act No. 25 adopted at the 1959 First Special Session of the Legislature of Alabama shall be and hereby is amended so that the said Section 1 shall read as follows:

"Section 1. Meaning of Terms Used in This Act. The following words, terms and phrases where used in this act shall have the following respective meanings, except where the context clearly indicates a different meaning: 'this State' means the State of Alabama; 'Lawrence County' means Lawrence County in this State; 'State Sales Tax statutes' means Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama; 'State Sales Tax' means the tax imposed by the State Sales Tax statutes; 'State Use Tax statutes' means Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940 as the said Article 11 had been last amended on September 1, 1959, and as it existed on said date; 'State Use Tax' means the tax imposed by the State Use Tax statutes; 'registered seller' means the person registered with the State Department of Revenue pursuant to Section 790 of Title 51 of said Code, as heretofore amended; 'month' means a calendar month; 'quarterly period' means the period of three months ending on the last day of each March, June, September, or December; and 'fiscal year' means

the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year. In addition to the foregoing definitions, all words, terms and phrases that are defined in the State Sales Tax statutes or in the State Use Tax statutes shall, where used in this act, have the meanings respectively ascribed to them in the State Sales Tax statutes or in the State Use Tax statutes, as the case may be, except where the context herein clearly indicates a different meaning."

Section 3. Section 2 of the said Act No. 25 adopted at the 1959 First Special Session of the Legislature of Alabama is hereby amended so that the said Section 2 shall read as follows:

"Section 2. Levy of License Tax Measured by Gross Sales or Gross Receipts. There is hereby levied in Lawrence County, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

"(a) Upon every person, firm or corporation (including the board of trustees of the University of Alabama, the board of trustees of the Alabama Polytechnic Institute or Auburn University, and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of any such institution, but not including the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC liquor stores) engaged or continuing, within Lawrence County, in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stocks), an amount equal to one per cent (1%) of the gross proceeds of sales of the business except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business;

"(b) Upon every person, firm or corporation engaged or continuing, within Lawrence County, in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches,

prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within this State, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, a county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within Lawrence County, an amount equal to one per cent (1%) of the gross receipts of any such business;

“(c) Upon every person, firm or corporation engaged or continuing within Lawrence County in the business of selling at retail machines used in the mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines and attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily used in the operation thereof, an amount equal to one-half of one per cent ($\frac{1}{2}$ of 1%) of the gross proceeds of the sale of such machines, parts, attachments and replacements; and

“(d) Upon every person, firm, or corporation engaged or continuing, within Lawrence County, in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-half of one per cent ($\frac{1}{2}$ of 1%) of the gross proceeds of the sale of said automotive vehicle, or truck trailer and semi-trailer; provided, that where any used automotive vehicle, used truck trailer, or used semi-trailer is taken in trade or in a series of trades as a credit or part payment on the sale of a new or used vehicle, the tax herein levied shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

provided, that there are exempted from the provisions of this section and from the computation of the amount of the tax imposed in this section the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the State Sales Tax statutes from computation of the amount of the State Sales Tax.”

Section 4. Section 3 of the said Act No. 25 adopted at the 1959 First Special Session of the Legislature of Alabama is hereby amended so that the said Section 3 shall read as follows:

“Section 3. Levy of Excise Tax on Use, Storage and Consumption of Tangible Personalty. An excise tax is hereby imposed on

“(a) The storage, use or other consumption in Lawrence County of tangible personal property purchased at retail, on or after the first day of December, 1959, for storage, use or other consumption in Lawrence County, at the rate of one per cent (1%) of the sales price of such property, regardless of whether the retailer is or is not engaged in business in Lawrence County or in this State, except as provided in subsections (b) and (c) of this section;

“(b) The storage, use or other consumption in Lawrence County of any machine used in the mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machines and attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, purchased at retail on or after the first day of December, 1959, for storage, use or other consumption in Lawrence County, at the rate of one-half of one per cent ($\frac{1}{2}$ of 1%) of the sales price of such machine, parts, attachments, or replacements; and

“(c) The storage, use or other consumption in Lawrence County of any automotive vehicle, truck trailer or semi-trailer purchased at retail on or after the first day of December, 1959, for storage, use or other consumption in Lawrence County, at the rate of one-half of one per cent ($\frac{1}{2}$ of 1%) of the sales price of such automotive vehicle, truck trailer, or semi-trailer; provided, that where any used automotive vehicle or used truck trailer or used semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

provided, however, that there are exempted from the provisions of this section and the tax imposed in this section the storage, use or other consumption of property the storage, use or other consumption of which are presently exempted under the State Use Tax statutes from the State Use Tax. Subject to the exemptions provided for in the preceding sentence, every person storing, using or otherwise consuming in Lawrence County tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the said tax has been paid by such person as herein provided; provided, however, that a receipt from a registered seller given, pursuant to Section 5 of this act, to the purchaser of any property to be used, stored or consumed in Lawrence County shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.”

Section 5. Severability Clause. In the event any section, sentence, clause or portion of this act should be declared invalid

by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this act, which shall continue effective.

Section 6. Effective Date of Act. This act shall become effective on the first day of December, 1959.

Approved November 19, 1959.

Time: 8:15 A. M.

Act No. 494

H. 1021—Sessions, Perry, Locke, Edwards,
Morrow, Hawkins, Rast

AN ACT

To authorize the probate judges of all counties having a population of not less than 500,000 inhabitants, according to the last or any subsequent federal decennial census, to destroy or otherwise dispose of certain papers and documents filed for record in his office under certain conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of any county having a population of not less than 500,000 inhabitants, according to the last or any subsequent federal decennial census, is authorized and empowered to destroy or otherwise dispose of any deed, mortgage or other like instrument filed for record and recorded in his office when the owner thereof fails to provide a forwarding address to which such paper or document may be mailed after recording and fails to claim or demand the return of such paper or document within two years from the date such paper or document was filed for record. Also, the judge of probate of any such county shall not be required to subscribe for and take and file in his respective offices any weekly newspapers published in such county the date of publication of which is more than one year old, and such judge of probate is authorized, at his discretion, to destroy or otherwise dispose of all such newspapers the date of publication of which is more than one year old.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed. The provisions of Section 724, of Title 7, Code of Alabama of 1940, and all amendments thereto, in conflict with this Act are expressly repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:26 A. M.

Act No. 495

H. 373—Dodd, Casey, Jones (Covington), Ramey, Cabiness, Gross, Speaks, Callahan, Ferguson, Harris, Hain, Hardy, Gilmer, Perry, Johnson (Tallapoosa), Copeland, Reynolds (Chambers), McClendon (Chambers), Jenkins, Long (Perry), Barnett, Cates, Guthrie, Shumate, Beville, Branyon, Steagall, Bishop, Broadfoot, Long (Lauderdale), Sessions, Locke, Morrow, Rast, Turner, Self, Smith (St. Clair), Grouby, Faulk, Jones (Monroe), McCorquodale, Bounds, Oakley, Daniel, Grant, Britton, Glass, Taylor, Brannan, Brooks, Owens, Rozelle, Salter, Adams (Houston), Rogers, Chambers, Bailey, Lee, Hocklander, Phillips, Goodwyn, Albea, Camp, Oden, Ray, Reynolds (Madison), Sullivan

AN ACT

To amend Section 171 of Title 7, Code of Alabama 1940, relating to actions for validation of obligations of political subdivisions of the state.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 171 of Title 7, Code of Alabama 1940, is hereby amended to read as follows:

"Section 171. The authority for issuing such obligations, the fact that an election has been held and that such election was in favor of the issuance of such obligations, if an election be required, the ordinances or resolutions authorizing their issuance and the fact of their adoption, and all essential proceedings had or taken in connection therewith, the amount of the obligations to be issued, what interest they are to bear, when and where principal and interest are to be paid, the tax or other means provided for their payment, the assessed value of the property in the unit, the amount of outstanding indebtedness incurred for each purpose and the date or dates when so incurred, and the amount in each sinking fund of the unit, shall be briefly set out in said petition by appropriate allegations, references or exhibits. The judge of said court shall, on the filing and presentation of said petition, issue an order against the taxpayers and citizens of such unit, requiring them to show cause at a time and place within the county to be designated in said order, which time shall be not less than twenty days nor more than forty days after the issuance of such order, why said obligations should not be validated and confirmed. A copy of

said petition and order shall be served on the deputy or county solicitor of the county in which such proceedings are pending at least eighteen days before the date fixed for the hearing in and by such order. It shall be the duty of such solicitor carefully to examine such petition, and if it appears to him, or if he has any reason to believe that such petition is defective, insufficient or untrue, or if, in his opinion, the issuance of the obligations in question have not been properly authorized or would be in violation of law or the tax or other means provided for their payment would not be valid, he shall make such defense thereto as to him shall seem proper. Any officer, agent, or employee, who has charge, possession, custody or control of any of the books, papers or records of said unit shall, on demand of such solicitor, exhibit to him for examination said books, papers and records, and shall, without cost, furnish to him duly authenticated copies of such books, papers and records which pertain to the proceedings for the issuance of such obligations or which might affect the legality of same or the validity of the tax or means provided for their payment, as he shall demand. Prior to the hearing of said cause, the register of said court shall publish in a newspaper published in the unit once each week for at least three weeks before the hearing, the first publication to be at least eighteen days before such hearing, a notice addressed to the taxpayers and citizens of such unit requiring them, at the time and place specified in the order providing for the hearing of such cause, to show cause, if any they have, why said obligations and the tax or other means provided for their payment should not be validated and confirmed; provided, however, that if no newspaper shall be published in such unit, then such notice shall be published as aforesaid in a newspaper published in the county, or if no newspaper be published in the county, then in a newspaper published within the state and having a general circulation in such unit. By the publication of such notice all taxpayers and citizens of such unit shall be considered as parties defendant to said proceedings and the court shall have jurisdiction of them the same as if each of them were named individually as a party defendant in said petition and personally served with process."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:27 A. M.

McLendon (Bullock), Gilmer, Albea, Nettles, G o o d w y n, Smith (St. Clair), Grouby, Bailey, Faulk, Harvey, Jones (Monroe), Goldthwaite, Oakley, Long (Perry), Boyd, Sullivan, Johnson (J. T. Tom), Solomon, Shumate, Ferguson, Jenkins, Harris, Meade, Smith (Russell), Johnson (Hardaway), Callahan, Franklin, Johnston (Leonard), Camp, Turnham, Daniel, Glass, Ray, Dickson, T a y l o r, Brooks, Brewer, Brannan, Owens, Salter, Powell, Adams (Houston), Chambers, Pierce, Ingram, Rozelle, Grant, Lee, Jones (Covington), Reynolds (Chambers), M c C l e n d o n (Chambers), Nichols, Ashworth, Speaks, Casey, Hearn, Avery, Martin, Ramey, Broadfoot, Pruitt, Branyon, Hankins, Bishop, Bevill, Gilchrist, Sessions, Perry, E d w a r d s, Locke, M o r r o w, Hawkins, Rast, Turner

HOUSE JOINT RESOLUTION

RESOLVED BY THE LEGISLATURE OF ALABAMA that the two Houses have learned with regret of the departure from the legislative scene of Fred Taylor, who is soon to become city editor of that great daily journal, the Birmingham News. For many years Fred Taylor has applied in his profession an alert and resourceful mind, always insisting upon solid and accurate political reporting. His is a sterling character, its genuineness reflected in his gentlemanly behavior, his high-minded sense of duty to his profession and to the public, his understanding, and his wholesome good fellowship. We wish him every success in his new position.

Approved November 19, 1959.

Time: 8:27 A. M.

AN ACT

To create the position of Chief Engineer in the State Highway Department; to provide for his appointment, qualifications, duties, responsibilities and salary; and to provide for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created within the State Highway Department the position of Chief Engineer which shall be filled by appointment by the Highway Director with the approval of the Governor. The Chief Engineer shall receive a salary of \$12,000.00 per annum to be paid from funds of the State Highway Department in the same manner as the salaries of other State employees are paid; he shall give bond for the faithful performance of his duties in an amount to be approved by the Governor as is provided in Title 41, Section 115, Code of Alabama 1940, as amended. The Chief Engineer shall serve under the direction of the Highway Director and shall be subject to removal by the Highway Director with the approval of the Governor with or without cause, and the appointment, service and removal of the Chief Engineer shall not be subject to the State Merit System regulations.

Section 2. The Chief Engineer shall be a registered professional engineer in the State of Alabama with a minimum of fifteen years of progressive professional engineering experience twelve years of which shall have been pertaining to the planning, development, construction, maintenance and repair of highways and bridges; he shall be at least thirty-eight years of age, and hold a degree in engineering from an engineering school of recognized standing. The Chief Engineer shall have a detailed knowledge of engineering principles and their application pertaining to highways and shall have demonstrated ability of high order in organizing, directing and coordinating difficult engineering activity pertaining to highways. He shall maintain citizenship in Alabama.

Section 3. The duties of the Chief Engineer in the State Highway Department shall include the technical phases of the organization, direction and coordination of the engineering activities of the Highway Department, subject to and under the control and supervision of the Highway Director.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:28 A. M.

Act No. 498

H. 395—Copeland

AN ACT

To amend Section 5 of Title 27, Code of Alabama 1940, relating to the adoption of children; providing that a final order of adoption made by a court of competent jurisdiction shall be incontestable for any irregularity, infirmity, or defect in the adoption proceedings after the lapse of five years from the date thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Title 27, Code of Alabama 1940, is hereby amended to read as follows:

"Section 5. The petition and all decrees in adoption proceedings shall be recorded in a book kept for that purpose and properly indexed; such book shall be a part of the permanent records of the probate court in which such proceedings are had and all reports and affidavits shall be properly filed. The files and records of the court in adoption proceedings shall not be open to inspection, or copy, by other persons than the parties in interest and their attorneys, and representatives of the state department of pensions and security, except upon an order of the court expressly permitting the same.

"When the final decree of adoption shall have been entered, the natural parents of the child if living shall be divested of all legal rights and obligations due from them to the child or from the child to them; and the child shall be free from all legal obligations of obedience or otherwise to such parents. The adopting parent or parents of the child shall be invested with every legal right in respect to obedience and maintenance on the part of the child as if said child had been born to them in lawful wedlock, including the right to said adopting parent or parents of inheritance to real estate, and to the distribution of personal estate on the death of such adopted child as if said child had been born to them in lawful wedlock, and the child shall be invested with every legal right, privilege, obligation, and relation in respect to education, maintenance and the rights of inheritance to real estate, and to the distribution of personal estate on the death of such adopting parent or parents as if born to them in lawful wedlock.

"For the purposes of inheritance of property under the laws of descent and distribution an adopted child, whether now or hereafter adopted under the laws of Alabama or some other jurisdiction, shall bear the same relation to his adopting parents and their natural and adopted children as if he were the natural child of such parents. It is intended hereby to give an adopted child all rights of inheritance from his adopting parents, and through them from their natural and adopted children, and to

give to the adopting parents and their natural and adopted kindred all rights of inheritance from the adopted child and his descendants, including adopted children, the same as if such child were born to his adopting parents in lawful wedlock. An adopted child's surviving spouse and descendants, including adopted children, shall inherit through such adopted child from his adopting parents and their children the same as if he were born to his adopting parents in lawful wedlock. Upon such adoption all rights of inheritance of the adopted child's natural parents and their kindred shall cease unless otherwise specifically provided in the final decree of adoption. Provided, that where an adopter is the spouse of a natural parent of an adopted child, such natural and adopted parent and kindred shall inherit from the adopted child the same as natural parents and kindred unless otherwise specifically provided in the final decree of adoption. The provisions hereof shall be applicable in all cases of adoption whether the final decree of adoption has already been entered or shall be entered hereafter. Nothing in this chapter shall be construed as debarring a legally adopted child from inheriting property from its natural parents or other kin. A final order of adoption made and entered by a court of competent jurisdiction shall not be annulled, avoided, set aside, or impaired after the lapse of five years from the date thereof because of any irregularity, infirmity, or defect in the adoption proceedings."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:32 A. M.

Act No. 499

H. 802—Ferguson, Callahan, Turnham

AN ACT

To authorize the state board of education and the boards of trustees of all state institutions to make investments of endowment funds and other funds held for investment in the same manner as the Teachers Retirement System of Alabama is authorized to make.

Be It Enacted by the Legislature of Alabama:

Section 1. Authority is hereby granted to the state board of education and the board of trustees of all state institutions respectively, where education is a part of the program of the institution, to invest and reinvest endowment funds and funds held for investment, subject to all the terms, conditions, limitations, and restrictions imposed by the laws of Alabama upon domestic life insurance companies in the making and disposing

of their investments; and subject to like terms, conditions, limitations and restrictions, each such board shall have full power to hold, purchase, sell, assign, transfer and dispose of any of the securities and investments in which any of the funds shall have been invested, as well as the proceeds of said investments and any moneys belonging to said funds; PROVIDED, However, that all rights and privileges of investment and management of funds heretofore granted or vested in said boards shall continue to vest therein.

Section 2. All laws or parts of laws which conflict with this Act are repealed to the extent to which they may conflict herewith.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:35 A. M.

Act No. 500

H. 291--Merrill, Hawkins, Lee (Barbour),
Oakley

AN ACT

To provide for the construction, maintenance and repair of streets, roads, drives, and parking areas on the campus of any state institution of higher learning, the Alabama State Hospitals and the Partlow State School.

Be It Enacted by the Legislature of Alabama:

Section 1. The roads and streets, drives and parking areas located on the campus of any state institution of higher learning, the Alabama State Hospitals and the Partlow State School shall be deemed a part of the state highway system and may be constructed, maintained, and repaired by the State Highway Department in the same manner as other highways and roads in the state highway system.

Section 2. The State Highway Department or the director thereof is hereby authorized and empowered to expend any funds in the public road and bridge fund to effectuate the purpose of this Act, provided such expenditure is first approved by the Governor.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:37 A. M.

Act No. 501

H. 1116—Smith (Russell), Pruitt

AN ACT

To make an additional appropriation for payment of expenses of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of one hundred thousand dollars (\$100,000.00), or so much thereof as may be necessary, is hereby appropriated from any funds in the State Treasury not otherwise appropriated, for the payment of the expenses of the Legislature. The appropriation herein made is in addition to all other appropriations heretofore made for the purpose herein stated.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:38 A. M.

Act No. 502

H. 1036—Roberts

AN ACT

To supplement the state salary payable to circuit judges by payments from the county treasury in all judicial circuits composed of only one county which has a population of not less than 65,000 nor more than 75,000, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In all judicial circuits of Alabama composed of only one county which has a population of not less than 65,000 nor more than 75,000, according to the most recent federal decennial census, the compensation of each circuit judge therein payable by the state shall be supplemented by the county in an amount sufficient to make the total compensation of each judge twelve thousand five hundred dollars (\$12,500) per annum. The salary supplement payable by the county shall be paid from the general fund of the county in twelve equal monthly installments.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect on the first Monday after the second Tuesday in January, 1963.

Approved November 19, 1959.

Time: 8:38 A. M.

Act No. 503

H. 1031—Roberts

AN ACT

Providing further for the election and organization of the council in all cities having a population of not less than 14,000 nor more than 19,000, according to the last or any subsequent federal decennial census, and operating under the mayor-council form of government; providing for the election of councilmen by place and number; and prescribing additional qualifications for candidates seeking election to such council.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in cities having a population of not less than 14,000 nor more than 19,000, according to the last or any subsequent federal decennial census.

Section 2. Whenever any city within the scope of this Act operates under the mayor-council form of government, the following officers shall be elected in each general municipal election held in such city; and such officers shall compose the city council of such city, shall hold office for terms of four years and until their successors are elected and qualified, and shall exercise the legislative functions of the city government and such other powers and duties as are or may be vested by law in the city council or its members, to wit:

1. Councilman, place number one
2. Councilman, place number two
3. Councilman, place number three
4. Councilman, place number four
5. Councilman, place number five

All of the councilmen herein provided for shall be elected from the city at large. No person shall be a candidate or be permitted to file his statement of candidacy for more than one of such places, and no ballot shall be counted for any candidate except for the place or number for which he announced in his statement of candidacy.

Section 3. Each candidate for election to the office of city councilman, upon filing his statement of candidacy in the office

of the mayor of the city, shall pay to the mayor, or to the duly authorized agent of the mayor, a qualification fee of fifty dollars (\$50.00). The mayor or his agent shall deposit all such qualification fees in the municipal treasury, to be used for general municipal purposes.

Section 4. Any candidate who receives a majority of all votes cast for all candidates seeking election to the position for which he is a candidate shall be declared elected to that position. In the event no candidate receives a majority of all the votes cast for any one or more positions on the council then the council shall order a second or run-off election to be held, not more than thirty days thereafter, at which election the two candidates receiving the most and the second most votes, respectively, for each position to be filled shall be candidates, and the person receiving the highest number of votes for each office for which the run-off election is held shall be declared elected. A certificate of election shall be given by the council, or a majority of them to each of the persons elected. Such certificate shall entitle the person so certified to the possession of the office to which he was elected immediately upon the expiration of the term of incumbent of the office, as provided by law. In the event that all opposition to a candidate in the run-off election is withdrawn, then no second election need be held for such position and such candidate shall receive a certificate of election. In the event of a tie vote between two or more persons in such run-off election for the same position on the council, the currently serving council shall decide the election. A vote for a particular candidate by a majority of the total membership of such body shall be necessary to decide the election in his favor. On the first Monday in October after their election, the members of any council elected pursuant to this Act shall assemble and organize and choose a chairman or president of the council from among their own number.

Section 5. Except as otherwise provided in this act, all elections held under this Act for councilman shall be held in accordance with the general election laws applicable to cities having a mayor-council form of government.

Section 6. The purpose of this Act is to provide further for the election and organization of the council in cities, within its purview when such cities operate under the mayor-council form of government; and nothing contained in this Act shall prevent or prohibit any city within the application hereof to adopt, in the manner prescribed by law, any optional form of government which such city is authorized to adopt under the general laws of Alabama.

Section 7. The provisions of this act are severable. If any

part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this Act are repealed.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:39 A. M.

Act No. 504

H. 1131—Bishop

AN ACT

To amend Act No. 243, House Bill 685, approved August 13, 1957, (Acts of Alabama 1957, Page 308), Relating to Colbert County: To authorize the board of revenue, court of county commissioners, or like governing body of Colbert County to call an election in the county for the purpose of determining whether or not the county body may levy an additional county privilege or excise tax on tobacco products; prescribing the power, duties, and authority of the county governing body in the collection and enforcement of the tax, if imposed; prescribing the method or manner of evidencing the payment of the tax, if imposed, through the use of stamps, and allowing a discount for handling tobacco tax stamps; providing that the proceeds of the tax, if imposed, shall be used exclusively for the purpose of acquiring, constructing, equipping, enlarging, improving, maintaining, and operating a public hospital in the county; and prescribing penalties for violations of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 243, House Bill 685, approved, August 13, 1957, (Acts of Alabama, 1957, Page 308), is amended by adding the following sentence at the end of the said Section 3. "Cigars packaged in quantities of two or more and not less or not more than ten shall have stamps in denominations to the amount of the tax affixed to the box, package or container in which they are packaged."

Section 2. Section 6 is amended as follows:

"Section 6 (A) After the tax herein authorized has been levied in accordance with the provisions of this Act, no person, firm or corporation shall sell, store, or distribute tobacco or tobacco products, which are subject to such tax, without complying with the provisions of this Act and the rules and regulations promulgated and adopted by the county governing body pursuant thereto, and paying any and all tax which such person, firm or corporation may be liable under this Act. Every person, firm, or corporation selling, storing, or distributing in Colbert County any tobacco or tobacco products shall keep such books, documents, papers, and other such records as will enable the coun-

ty governing body, or an authorized employee thereof, to determine the amount of the tax due the county under this Act, and such records shall at all reasonable times be open to inspection by the county governing body, or any officer or employee thereof charged with the duty of collecting and enforcing the tax, and such person, firm or corporation shall make available to the county governing body or any authorized officer, agent or employee thereof all stocks of tobacco products as defined in this act which may be in possession of the person, firm or corporation, at all reasonable times in order to enable the said county governing body or any authorized officer, agent, or employee thereof charged with the duty of collecting and enforcing the tax, to inspect the said goods to determine if the proper stamps as provided by this Act are affixed to the said tobacco or tobacco products as provided by this Act.

(B) Any tobacco or tobacco products taxable under the provisions of this act, found at any point within Colbert County, Alabama, which said tobacco or tobacco products taxable under the provisions of this act, not having affixed to the package or product, as above defined, the stamps as above provided are hereby declared to be contraband goods and the same may be seized by the officer or employee of the County governing body charged with the duty of collecting and enforcing the tax, without a warrant and the said goods shall be delivered to the county governing body of Colbert County, Alabama for sale at public auction to the highest bidder after due advertisement, but the county governing body before delivering any of said goods so seized, shall require the purchaser to affix the proper amount of stamps to the individual package or product as above defined. The proceeds of sale for any goods sold hereunder shall be turned over to the County Treasury, and shall be appropriated for the purposes as set out in Section 7 of this act; Provided, that the cost of confiscation and sale shall be paid out of the proceeds derived from such sale before making remittance to the treasurer.

(C). In all cases of seizure of any tobacco or tobacco products, or other property hereafter made as being subject to forfeiture under provisions of this subdivision which in the opinion of the officer, or person making the seizure, are of the appraised value of fifty dollars, or more, the said officer or person shall proceed as follows: First, he shall cause a list containing a particular description of the goods, wares, merchandise, or other property seized to be prepared in duplicate and an appraisement thereof to be made by three sworn appraisers to be selected by him, who shall be respectable and disinterested citizens of the State of Alabama, residing within the Colbert County. Said list and appraisement shall be properly attested by said officer, or person, and the said appraisers, for which service each of

said appraisers shall be allowed the sum of one dollar per day, not exceeding two days, to be paid by the County governing body out of any revenue received by it from the sale of the confiscated goods or the compromise which may be effected. Second, if the said goods are believed by the officer making the seizure to be of value of less than fifty dollars, no appraisalment shall be made. The said officer, or person, shall proceed to post a notice for three weeks, in writing at three places in the county where the seizure was made, describing the articles and stating the time and place and cause of their seizure and requiring any person claiming them to appear and make such claim in writing within thirty days from the date of the first posting of such notice. Third, any person claiming the said tobacco or tobacco products, or other property so seized as contraband within the time specified in the notice, may file with the county governing body a claim in writing, stating his interest in the articles seized, and may execute a bond to the county governing body in a penal sum equal to double the value of said goods so seized, but in no case shall said bond be less than the sum of two hundred dollars, with sureties to be approved by the Chairman of the Board of Revenue of Colbert County, conditioned that in the case of condemnation of the articles as seized, the obligors shall pay to the county governing body the full value of the goods so seized and all costs and expenses of the proceedings to obtain such condemnation, including a reasonable attorney's fee. And upon the delivery of such bond to the county governing body, it shall transmit the same with the duplicate list or description of the goods seized to the solicitor of the Colbert Circuit Court, and the said solicitor shall file a bill in the Circuit Court in equity to secure the forfeiture of said tobacco or tobacco products or other property. Upon the filing of the bond aforesaid and said goods shall be delivered to the claimant pending the outcome of said case; provided, however, said goods must have the proper stamps affixed to each such article of tobacco or tobacco product before turning same over to claimant, the stamps so affixed to be paid for by claimant when goods properly stamped are delivered by the County Governing Body. Fourth. If no claim is interposed and no bond given within the time above specified, such tobacco or tobacco products or other property shall be forfeited without further proceedings and the same shall be sold as herein provided. And the proceeds of sale when received by the county governing body shall be turned in to the treasury as other revenues are required by law to be turned in: Provided, that in seizure in quantities of less value than fifty dollars, the same may be advertised with other quantities in Colbert County, Alabama, by the county governing body and disposed of as hereinabove provided. The proceedings against tobacco or tobacco products, other property, pursuant to the provisions of this subdivision, shall be considered as proceed-

ings in rem unless otherwise herein provided. Provided, however, should the county governing body have to resort to the courts for collections of the tax due and assessed, no advertisement shall be made and the confiscated tobaccos may be held as evidence pending the results of court action.

(D). The county governing body may in its discretion return any tobacco or tobacco products or other property confiscated under this subdivision or any part thereof, when it is shown that there was no intention to violate the provisions of this subdivision. Provided, when any tobacco or tobacco products or other property, are confiscated under the provisions of this subdivision, the county governing body may, in its discretion, return such goods to the parties from whom they are confiscated if and when such parties shall pay to the county governing body, or its duly authorized representative, an amount equal to the tax due under this subdivision on the goods confiscated, and in such cases no advertisement shall be made or notices posted in connection with said confiscation. The county governing body may promulgate rules and regulations governing the stamping of any articles or commodities enumerated herein handled by persons, firms, or corporations operation on interstate common carriers. Any rules or regulations of the county governing body, when duly made and promulgated shall have the full force and effect of law.

(E). Whoever removes or otherwise prepares any Colbert County Public Hospital Tax stamps with intent to use, or cause the same to be used, after it has already been used, or buys, sells, offers for sale, or gives away any such washed or removed or restored stamps to any person for using or who used the same, or any person, firm, corporation, who shall re-use or refill with any tobacco products enumerated herein, any box, package or container from which tobacco products theretofore tax-paid have been removed shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars, nor more than five hundred dollars.

Approved November 19, 1959.

Time: 8:16 A. M.

Act No. 505

H. 1102—Sessions, Rast, Edwards, Locke,
Perry, Morrow, Hawkins

AN ACT

To apply in counties which now have or which may hereafter have a population in excess of 500,000 according to the last or any subsequent federal decennial census; providing for the use and disposition of sums in the amount of less than one dollar (\$1.00) which come into the hands of the License Commissioner, Director of the Department of Revenue or

such other official as may be by law charged with responsibility for the collection and remittance of licenses and license fees, as a result of overpayment for licenses or other fees.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall only apply in counties which now have, or which may hereafter have, a population in excess of 500,000 according to the last or any subsequent federal decennial census.

Section 2. That in any county subject to the provisions of this act the Commissioner of Licenses, Director of the Department of Revenue, or such other official as may be by law charged with responsibility for the collection and remittance of licenses and license fees, shall not be required to place in a fiduciary account, nor to pay over to the county, under the laws of this state relating to fiduciary funds, the sum in an amount of less than one dollar (\$1.00) which has come into the hands of such official as a result of an overpayment by any taxpayer or purchaser of any such licenses and of which the public official is not the absolute and unqualified owner.

Section 3. Any funds remaining in the hands of such official at the close of any fiscal year as a result of overpayments in the amount of less than one dollar (\$1.00), shall be applied at the discretion of the Commissioner of Licenses, Director of the Department of Revenue or such other official, to any monetary deficit existing in such office resulting from underpayment for licenses or other fees in such amounts as to make collection efforts unwarranted and unprofitable to the county.

Section 4. All laws or parts of laws, local, special or general, in conflict herewith are hereby repealed, it being specifically provided that the provisions of Title 58, Sections 30 - 38 of the Code of Alabama 1940, shall have no application to the funds mentioned by this act.

Section 5. This act is to take effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:20 A. M.

Act No. 506

H. 343—Hocklander, Pruitt, Brannan

AN ACT

To provide for the management, control and ownership of McDuffie Island in Mobile Bay; to provide for the transfer of deeds and records to the Department of State Docks pertaining to McDuffie Island; to provide for the lease, sale or other disposition of properties on McDuffie Island; to provide for the disposition of all revenues obtained from the sale or other disposition of lands on McDuffie Island; to repeal all laws in conflict with the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Docks Department is hereby charged with the management, control and is invested with the ownership of that certain area of state lands in Mobile Bay known as McDuffie Island.

Section 2. The Department of Conservation shall transfer all deeds and records of whatever nature pertaining to McDuffie Island to the State Docks Department and upon the effective date of this Act, all revenues from leases, easements, sales or contracts derived from McDuffie Island shall be paid into the State Docks fund to be used as other monies in such fund are used.

Section 3. The Director of the State Docks Department, with the approval of the Governor is authorized to lease such property under the best terms obtainable and to the best interests of the State. Such area may also be utilized in whole or in part by the State Docks Department for expansion of its own facilities if same is needed for such purposes.

Section 4. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:29 A. M.

Act No. 507

H. 342—Hocklander, Trimmier,
Pruitt, Brannan

AN ACT

To amend Section 1 of Act No. 455, 1945 General Acts of Alabama, page 689, approved July 6, 1945, entitled an Act "To authorize the Department of State Docks and Terminals of the State of Alabama to carry fire and casualty and public liability insurance of all kinds and to pay the premiums thereon and to fix the liability in connection therewith and to authorize suits directly against the insurance carriers on any such policies and to repeal all laws, or parts of laws, in conflict herewith."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 455, 1945 General Acts of Alabama, page 689, approved July 6, 1945, be and the same is hereby amended so as to read as follows: "The Department of State Docks and Terminals is hereby authorized to provide insurance covering loss or damage to its properties, or any properties of others in its custody, care or control, or any properties as to which it has any insurable interest, caused by fire or other casualty; and may likewise provide insurance for the payment of

damages on account of the injury to or death of persons, and the loss of or destruction of properties of others; and may pay the premiums thereon out of the revenues of the Department. Nothing herein shall be construed to authorize or permit the institution of any suit or proceeding in any court against the Department for or on account of any matters referred to in this Act; provided however that any contracts of insurance herein authorized may, in the discretion of the Director of the Department, provide for a direct right of action and suit against the insurance carrier for the enforcement of any such claims or causes of action. The liability under any such policy or contract of insurance, arising out of such facts and circumstances as would bring such claim or cause of action within the provisions of Chapter 5 of Title 26 of the Code of Alabama of 1940, if the Department were subject to the provisions of said law, shall be governed by the provisions of said law; provided, however, the Director of the Department of State Docks may increase the hospital and medical liability coverage if in his opinion he deems such increase of such liability coverage to be in the best interests of the Department; the liability in all other cases from any such policy or contract of insurance, except to the extent expressly stated to the contrary therein, shall be the same as that imposed by law upon private persons, firms or corporations in like circumstances."

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:30 A. M.

Act No. 508

H. 467—Cornett, Hocklander,
Murphy, Hanby

AN ACT

To amend further Section 153 of Title 8, Code of Alabama 1940, making it unlawful to sell oysters under a certain size, etc.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 153 of Title 8, Code of Alabama 1940, as amended by an act approved September 17, 1953, is amended further to read as follows:

"Section 153. It shall be unlawful for any person, firm, corporation or association to sell or offer for sale, to take from any reef or have in his possession, or to buy or offer to buy, any

oysters whose length is less than three inches, taking into consideration the five per cent allowance as provided for by law, except when the legal size of oysters is reduced by a regulation duly promulgated by the director of conservation as otherwise provided for under this title. Provided, however, nothing in this Act shall be construed so as to apply the provisions hereof to the taking of oysters from private reefs by the owners or lessees of such private reefs."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:31 A. M.

Act No. 509

H. 464—Cornett, Hocklander,
Murphy, Hanby

AN ACT

To provide for the patrolling and protection of private oyster reefs and to provide certain requirements of the owners or lessees of such private oyster reefs.

Be It Enacted by the Legislature of Alabama:

Section 1. The chief of the Division of Seafoods of the Department of Conservation is hereby authorized and it shall be his duty to patrol or cause to be patrolled from time to time as he may see fit all those areas in Alabama territorial waters upon which are located private oyster reefs to prevent the illegal taking or removal by unauthorized persons of oysters on said private reefs.

Section 2. It shall be the duty of each owner or lessee of any private reef to have established an accurate survey by a registered surveyor of the bottoms, beds or reefs under his control, and each corner shall be clearly marked and defined with the owner's or lessee's name clearly attached. There shall also be established intermediate markers between said corners, the distance between which shall not exceed 600 feet extending from each corner of the private bed, bottom or reef, to the adjacent corner, and also from the outside corner, every 600 feet to the high-water mark on the associated beach, bank or marsh-edge. The plat of this area shall be filed with the Division of Seafoods, together with the list of any persons using said bed, bottom or reef as the owner's agent or permittee. Said agent or permittee shall have in his possession at all times while on said bed, bottom or reef, a written, dated permit from the owner, said permit to extend for a period not exceeding thirty (30) days from the date of signature of the owner or lessor. Failure of the permittee or agent to have said

permit in his possession shall constitute a misdemeanor and upon conviction thereof, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and may be imprisoned for a period not exceeding six (6) months.

Section 3. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 19, 1959.
Time: 8:51 A. M.

Act No. 510

H. 1025—Sessions, Perry, Edwards,
Hawkins, Rast, Morrow,
Locke

AN ACT

Relating to Jefferson County, Alabama; to provide for levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, such tax to be measured by the gross receipts or gross proceeds of such businesses; to provide for levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the license tax; specifying property the use, storage or other consumption of which is exempt from the excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of said taxes, and the enforcement of the provisions of this Act; making applicable to the taxes herein levied and adopting certain provisions of Act No. 100, H. B. 94, approved August 18, 1959, effective October 1, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama, as amended; providing for the filing of reports with and the payment of tax to the Director of the Department of Revenue of Jefferson County, Alabama, and providing for the enforcement of this Act by said Director of Revenue of Jefferson County, Alabama; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said sales price or admission fee; providing for the use of the revenues from said taxes; providing for referenda or elections of the qualified electors for making the taxes applicable to said county; and providing for the termination of the taxes imposed subject to referenda or elections of the qualified electors of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to, and only to, Jefferson County, Alabama. Wherever the term "county" is used herein, the word shall apply only to Jefferson County, Alabama. Wherever the words "County Commission" are used in this Act, they shall refer to, and only to, the County Commission of Jefferson County, Alabama. Wherever the word "Director" is used in this

Act, it shall refer to the Director of Revenue of Jefferson County, Alabama.

Section 2. The County Commission of Jefferson County, Alabama, at the next general, special, or primary election held in the county, after this Act becomes applicable to the county, shall call and provide for holding an election of the qualified voters of the county for the purpose of determining whether or not there shall be levied and imposed additional license and excise taxes as provided in this Act. Notice of the election shall be given not more than 45 nor less than 30 days before the day set for the election, by publication in a newspaper published in the county once a week for four successive weeks. The election shall be held and conducted in the manner provided by law for holding other county elections. The cost of the election, including the cost of publishing the notice, shall be paid by the county. The question to be voted on shall be stated on the ballots or voting machine tabs, as the case may be, substantially as follows: "Do you favor the county levying a county sales tax and a county use tax for the sick poor, education, county sewers and municipal aid, as provided in Act No. _____, approved _____, 1959?" If a majority of the voters participating in the election vote in favor of the imposition of such taxes, the County Commission may thereupon adopt an ordinance, order or resolution levying the taxes provided for in this Act. If, on the other hand, a majority of the voters participating in the election disapprove the levying of such taxes in the county, no levy of any tax shall be made in such county under this Act. If the levy herein provided for becomes operative as herein provided, the county governing body shall forthwith give notice thereof to the Director.

Section 3. All words, terms, and phrases that are defined in Act No. 100, H. B. 94, entitled "An Act To raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama, 1940, as amended and supplemented", approved August 18, 1959, effective October 1, 1959, which levies a state sales tax, and in Article 11, Chapter 20, Title 51, Code of Alabama, 1940, as amended, shall, where used in this Act, have the meanings respectively ascribed to them in said Act No. 100 of August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama, 1940, as heretofore amended, except where the context herein clearly indicates a different meaning. In addition, the following words, terms, and phrases where used in this Act shall have the following respective meanings except where the context clearly indicates a different meaning:

"State sales tax statutes" means said Act No. 100, H. B. 94, approved August 18, 1959, effective October 1, 1959, enacted at the Special Session of the Legislature of Alabama that convened

June 24, 1959, which levies a retail sales tax for state purposes, and includes all statutes heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Act No. 100 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of said Act and the incidence and collection of the tax imposed therein;

"State sales tax" means the tax imposed by the state sales tax statutes;

"State use tax statutes" means Article 11 of Chapter 20, Title 51, Code of Alabama, 1940, as heretofore amended, including all statutes heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Article 11 and all other statutes heretofore enacted which expressly apply to, or purpose to affect, the administration of the said article and the incidence and collection of the tax imposed therein;

"State use tax" means the tax imposed by the state use tax statutes;

"Registered seller" means the person registered with the State Department of Revenue pursuant to the state use tax statutes;

"Month" means the calendar month;

"Quarterly period" means the period of three months ending on the last day of each March, June, September, and December;

"Fiscal year" means the period commencing on October 1 of each calendar year and ending on September 30, of the next succeeding calendar year.

Section 4. Unless otherwise expressly provided in the resolution, order or ordinance levying the taxes herein authorized, such taxes shall be effective on the first day of the month next succeeding the date of such resolution, order or ordinance. The taxes shall be in addition to all other taxes now provided by law and shall be collected as herein provided.

Section 5. The sales tax levied pursuant to this Act shall be a privilege, excise or license tax as follows:

(a) Upon every person, firm, or corporation engaged or continuing within the county in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks), an amount equal to one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Any person engaging or continuing in business as a retailer and

wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business. Provided, that where all the sales of a company are single sales of merchandise for ten cents or less, and no collection from consumers is authorized under this Act, the gross receipts tax herein provided for shall not be levied.

(b) Upon every person, firm, or corporation engaged or continuing within the county in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association, whether such institution or association be denominational, a state, county, or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within the county, an amount equal to one percent of the gross receipts of any such business.

(c) Upon every person, firm or corporation engaged or continuing within this county in the business of selling any automotive vehicle or truck-trailer or semi-trailer, an amount equal to one-half of one percent ($\frac{1}{2}\%$) of the gross proceeds of the sale of said automotive vehicle or truck-trailer or semi-trailer.

(d) Upon every person, firm or corporation engaged or continuing within this county in the business of selling any used automotive vehicle or truck trailer and semi-trailer, where such vehicles are bought for the purpose of resale, an amount equal to one-half of one percent ($\frac{1}{2}\%$) of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer; provided, however, this subsection shall not apply to the sale of any used automotive vehicle or truck trailer or semi-trailer where it was acquired as part of the consideration for the sale, trade or exchange, in this county of any new or used motor vehicle, truck trailer or semi-trailer.

Section 6. There are, however, exempted from the provisions of this Act and from the computation of the amount of the tax levied, assessed or payable under this Act the following: (a) The gross proceeds of sales of tangible personal property or the

gross receipts of any business which the county is prohibited from taxing under the constitution or laws of the United States of America or under the constitution of this state. (b) The gross proceeds of sales of tangible personal property to the State of Alabama, to the counties within the state and to incorporated municipalities of the State of Alabama; and the gross proceeds of sales of athletic equipment for the sole use and benefit of, and under the control of, public state, county, or city schools within the State of Alabama, notwithstanding that the purchase of such athletic equipment is paid for from funds which are not public funds. (c) The gross proceeds of the sales of lubricating oil and gasoline as defined in sections 630 and 646 of Title 51, which are otherwise taxed. (d) The gross proceeds of the sales of textbooks used in elementary schools, high schools, and institutions of higher learning. (e) The gross proceeds of sales of alcoholic or cereal beverages, when sold at retail by the State of Alabama. (f) The gross proceeds of sales of all livestock by whomsoever sold; and also the gross proceeds of poultry and other products of the farm, dairy, grove or garden, when in the original state of production or condition of preparation for sale, when such sale or sales are made by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the gross proceeds of sales of poultry or poultry products when not products of the farm. (g) The gross proceeds of the sale, or sales, of fertilizer. The word "fertilizer" as used in this Act shall not be construed to include cotton seed meal, when not in combination with other materials. (h) The gross proceeds of the sale, or sales, of seeds for planting purposes and baby chicks and poults. Nothing herein shall be construed to exempt or exclude from the computation of the tax levied, assessed or payable the gross proceeds of the sale, or sales, of plants, seedlings, nursery stock or floral products. (i) The gross proceeds of the sale, or sales, of boxes, crates, bags, bagging, ties, barrels, or other containers and the labels thereof used in preparing agricultural products, dairy products, grove or garden products for market, including barrels and other containers and the labels thereof used in preparing turpentine gum, gum spirits of turpentine and gum resin for market, when such boxes, crates, bags, bagging, ties, barrels and other containers and the labels thereof are to be sold or furnished by the seller of the products contained therein to the purchaser of such products. The gross proceeds of the sale or sales of newsprint paper, newspapers and religious publications. (k) The gross proceeds of the sale, or sales, of coal or coke to manufacturers, electric power companies and transportation companies for use or consumption in the production of by-products, or the generation of heat or power used in manufacturing tangible personal property for

sale, for the generation of electric power or energy for use in manufacturing tangible personal property for sale or for resale, or for the generation of motive power for transportation. (l) The gross receipts from the business on which, or for engaging in which, a license or privilege tax is levied by or under the provisions of sections 177-180, 182-184, and 186 of title 51. Provided, however, that nothing contained in this subsection shall be construed to exempt or relieve the person or persons operating the business enumerated in said sections from the payments of the tax levied by this Act upon or measured by the gross proceeds of sales of any tangible personal property (except gas and water, the gross receipts from the sale of which are the measure of the tax levied by said section 177), merchandise or other tangible commodities sold at retail by said persons, unless the gross proceeds of sale thereof are otherwise specifically exempted by the provisions of this Act. (m) The gross proceeds of the sale, or sales, of railroad rails, railroad cars and vessels and barges of more than fifty tons burden, when sold by the manufacturers or builders thereof. (n) The gross proceeds of the sale, or sales, of lunches to school children when such sales are made within school buildings and are not for profit. (o) The gross proceeds of sales or gross receipts, of or by, any person, firm or corporation, from the sale of transportation, gas, water or electricity, of the kinds and natures, the rates and charges for which, when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama or like regulatory bodies. (p) The gross proceeds of the sale of machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property; provided that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used. (q) The gross proceeds of sale or sales of fluid milk as is now or may hereafter be defined by law when such sale, or sales, are made by a distributor who has purchased such fluid milk or the milk processed into such fluid milk direct from the producer thereof. Provided, however, that the term "distributor" as used here shall not be construed to include hotels, restaurants, cafes, cafeterias, drug stores, grocery stores and other retail establishments where milk is served or sold for consumption on the premises or as an incident to the principal business. (r) The gross proceeds from the sale or sales of fuel and supplies for use or consumption aboard ships plying on the high seas either in intercoastal trade between ports in the State of Alabama and ports in other states of the United States or its possessions, or in foreign commerce between ports in the State of Alabama and

ports in foreign countries. Provided, however, that nothing in this article shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale, or sales, of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other water craft. (s) The gross proceeds of the sale, or sales, of wrapping paper, wrapping twine and paper bags. (t) The gross proceeds of the sale or sales of agricultural publications printed and published in Alabama.

(u) The gross proceeds of the sale, or sales, of materials, equipment, and machinery which enter into and become a component part of ships, vessels or barges of more than fifty tons burden, constructed or built within the state, are hereby exempted from the computation of the tax levied under the provisions of Article 10, Chapter 20, Title 51, Code of Alabama of 1940, designated as the sales tax. Nothing contained in this Section shall be construed to relieve vendors making such sales within the state from reporting such sales to the department of revenue as otherwise required by law. Nothing herein contained is intended as a legislative construction that such sales heretofore made, or that sales heretofore made of materials, equipment or machinery which entered into and became a component part of ships, vessels or barges of fifty (50) tons burden or more, manufactured or built for sale, were or were not subject to the tax imposed under said article. (v) The gross proceeds of subscriptions to magazines.

(w) The gross proceeds of sales amounting to one thousand dollars (\$1,000) a month or less from small stores or vending machines operated by blind persons, as defined in subsection (f) of section 1 of Title 51 of the Code of Alabama of 1940, provided, that such small business establishment shall be the property of the blind operator or of the business enterprise program for the blind sponsored jointly by the State Department of Education and the Alabama Institute for the Deaf and Blind; that the operator shall have filed application for exemption; and that the blind operator shall have been for a period of two years next preceding the filing of his application for this exemption a bona fide resident of the State of Alabama. Any persons claiming exemption hereunder shall file with the Director an application therefor in the form prescribed by the Director, accompanied by a vision certificate from a regularly licensed physician or ophthalmologist. Any person who procures a license under the provisions of this subsection and permits any other person, firm, or corporation to engage in or conduct business under this license shall be guilty of a misdemeanor and shall be punished as provided by law; and any person, firm or corporation, not entitled to exemption hereunder, who engages in or conducts business under a license issued to a blind person under the provisions of this section shall be guilty of a misdemeanor and shall be punished as provided by law. (x) The gross proceeds of sale

of insecticides for agricultural uses by whomsoever sold. The term "insecticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insects which may be present in any environment whatsoever. (y) The gross proceeds of sales of fungicides for agricultural uses by whomsoever sold. The term "fungicides" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi. (z) Cotton seed meal exchanged for cotton seed at or by cotton gins. (aa) The gross proceeds of sales of peanuts, peanut products, candy and chewing gum sold in vending machines located in industrial plants or on private property for employees. (bb) The sale, proceeds of sale, use, storage or consumption of fuel oil purchased or stored or consumed as sold for kiln used in manufacturing establishments. (cc) The sale or furnishing of caskets, burial robes, burial suits, burial dresses or other articles of burial clothes and burial vaults. (dd) The gross proceeds of sales of tangible personal property for the use and benefit of and under the control of public state, county, or city schools, notwithstanding that such tangible personal property is paid for from funds which are not public funds, where the principal of elementary or high schools or the official authorized to make purchases for an institution of higher learning issues a purchase order in a form approved by the Director for such tangible personal property and certifies therein that such property is for the sole use and benefit of and under the control of public state, county or city schools. (ee) Sums paid by participants in recreational or athletic activities offered by municipally-operated swimming pools, golf courses, parks or other places of amusement or entertainment.

Section 7. An excise tax is hereby imposed on the storage, use, or other consumption in the county of tangible personal property purchased at retail, on or after the effective date of the levy of the taxes authorized in this Act for storage, use or other consumption in the county, at the rate of one percent of the sale price of such property, regardless of whether the retailer is or is not engaged in business in the county or in this state.

Section 8. The storage, use or other consumption in this state of the following tangible personal property is hereby specifically exempted from the tax imposed by this Act: (a) Property, the gross proceeds of sales of which are required to be included in the measure of the tax imposed by the provisions of Article 10 of Chapter 20. (b) Property, the storage, use or other consumption of which the county is prohibited from taxing under the constitution or laws of the United States of America or under the constitution of this state. (c) Tangible personal property, not to be used in the performance of a contract, brought into the county by a nonresident thereof for his own storage, use or consumption while temporarily within the county. (d) Property

stored, used or consumed by the State of Alabama, by the counties within the state, or by incorporated municipalities of the State of Alabama; and the storage, use or other consumption of athletic equipment for the sole use and benefit of, and under the control of, public state, county, or city schools within the State of Alabama, notwithstanding that the purchase of such athletic equipment is paid for from funds which are not public funds. (e) Lubricating oil and gasoline as defined in sections 630 and 646 of Title 51 Code of Alabama of 1940, the storage, use or other consumption of which is otherwise taxed. (f) Textbooks used in elementary schools, high schools, and institutions of higher learning. (g) Alcoholic or cereal beverages, when sold at retail by the State of Alabama. (h) Livestock, poultry and other products of the farm, dairy, grove or garden, when in the original state of production or condition of preparation for sale, when stored, used or consumed by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt poultry or poultry products when not products of the farm. (i) All fertilizer; provided, the word "fertilizer" as used in this Act shall not be construed to include cotton seed meal when not in combination with other material. (j) All seeds for planting purposes and baby chicks and poults; provided, further, nothing herein shall be construed to exempt plants, seedlings, nursery stock or floral products. (k) Boxes, crates, bags, bagging, ties, barrels or other containers, and the labels thereof, used in preparing agricultural products, dairy products, grove or garden products for market, including barrels, and other containers, and the labels thereof, used in preparing turpentine gum, gum spirits of turpentine and gum resin for market, when such boxes, crates, bags, bagging, ties, barrels and other containers, and the labels thereof, are to be sold or furnished by the seller of the products contained therein to the purchaser of such products. (l) News-print paper, newspapers and religious publications. (m) Coal or coke to be stored, used or consumed by manufacturers, electric power companies and transportation companies for use or consumption in the production of by-products or the generation of heat or power used (1) in manufacturing tangible personal property for sale, (2) for the generation of electric power or energy for use in manufacturing tangible personal property for sale or for resale, or (3) for the generation of motive power for transportation. (n) Railroad rails, railroad cars and vessels and barges of more than fifty tons burden, when purchased from the manufacturers or builders thereof. (o) Transportation, gas, water or electricity, of the kinds and natures, the rates and charges for which, when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama, or like regulatory bodies. (p) Machines used in mining, quarrying, compounding, processing, and manufacturing of tangible per-

sonal property; provided, that the term "machines" as herein used shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(q) Lunches to school children when such sales are made within school building and are not for profit. (r) Fluid milk when such sales are made by a distributor who has purchased such fluid milk direct from the producer thereof. Provided, however, that the term "distributor" as used herein shall not be construed to include hotels, restaurants, cafes, cafeterias, drug stores, grocery stores and other retail establishments where milk is served or sold for consumption on the premises or as an incident to the principal business. (s) Fuel and supplies for use or consumption aboard ships plying on the high seas either in intercoastal trade between ports in the State of Alabama and ports in other states of the United States or its possessions, or in foreign commerce between ports in the State of Alabama and ports in foreign countries. Provided, however, that nothing in this Act shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other water craft. (t) Wrapping paper, wrapping twine and paper bags. (u) Used automotive vehicles. (v) The storage, use or other consumption in this state of materials, equipment, and machinery which enter into and become a component part of ships, vessels or barges of more than fifty tons burden, constructed or built within the state. Nothing herein contained shall be construed to relieve vendors making such sales for storage, use or consumption within the state from reporting such sales to the department of revenue as otherwise required by law. Nothing herein contained is intended as a legislative construction that the storage, use or other consumption heretofore of materials, equipment or machinery which entered into and became a component part of ships, vessels or barges of fifty (50) tons burden or more, manufactured or built for sale, was or was not subject to the tax imposed under said Act. (w) The storage, use or other consumption of insecticides. The term "insecticides" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insects which may be present in any environment whatsoever. (x) The storage, use or other consumption of fungicides. The term "fungicides" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any fungi. (y) Cotton seed meal exchanged for cotton seed at or by cotton gins. (z) The sale, proceeds of sale, use, storage or consumption of fuel oil purchased

or stored or consumed as fuel for kiln used in manufacturing establishments. (aa) The sale, proceeds of sale, use, storage or other consumption of tangible personal property for the use and benefit of and under the control of public state, county, or city schools, notwithstanding that such tangible personal property is paid for from funds which are not public funds, where the principal of elementary or high schools or the official authorized to make purchases for an institution of higher learning issues a purchase order in a form approved by the Director for such tangible personal property and certifies therein that such property is for the sole use and benefit of and under the control of public state, county or city schools. (bb) The storage, use or other consumption of caskets, burial robes, burial suits, burial dresses or other articles of burial clothes and burial vaults. (cc) Sums paid by participants in recreational or athletic activities offered by municipally-operated swimming pools, golf courses, parks or other places of amusement or entertainment.

Section 9. Subject to the exemptions set forth in the preceding section, every person storing or using or otherwise consuming in the county tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the tax has been paid by such person as herein provided; provided, however, that a receipt from a registered seller given pursuant to Section 11 of this Act to the purchaser of any property to be used, stored, or consumed in the county shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 10. The sales taxes levied pursuant to Section 5 of this Act shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues; and the use taxes levied pursuant to Section 7 of this Act shall be due and payable quarterly on or before the twentieth day of the month next succeeding each quarterly period during which the storage, use, or other consumption of the tangible personal property became taxable hereunder, each such quarterly period to end on the last days of each of the months of March, June, September and December. All taxes levied pursuant to this Act shall be paid to and collected by the Director of Revenue of Jefferson County, Alabama. On or prior to the due dates of the taxes herein levied, each person subject to such taxes shall file with the Director a report or return on such form as may be prescribed by the Director, setting forth, with respect to all sales and business that are provided in Section 5 hereof to be used as a measurement of the tax levied pursuant to said Section 5, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business, and setting forth, with respect to the use tax levied pursuant to Section 7 hereof, the total sales price of all property, the use, storage, or

other consumption of which became subject to the tax imposed pursuant to said Section 7 during the then preceding quarterly period. Any person subject to the taxes levied pursuant to Section 5 hereof may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the State Department of Revenue shall be available for inspection by the Director, or his designated agent, at reasonable times during business hours.

Section 11. Every registered seller making sales of tangible personal property for storage, use, or other consumption in the county (which storage, use, or other consumption is not herein exempted from the tax imposed pursuant to Section 8 hereof) shall at the time of making such sale, or, if the storage, use, or other consumption of such tangible personal property in the county is not then taxable under this Act (at the time such storage, use, or other consumption becomes taxable hereunder), collect the tax imposed pursuant to Section 7 of this Act from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the Director, which may be on the same form prescribed by the State Department of Revenue and used in connection with the State sales or use tax. On the twentieth day of the month following the close of each quarterly period provided for in Section 10 hereof, each registered seller shall file with the Director a return for the preceding quarterly period in such form as may be prescribed by the director, showing the total sales of the tangible personal property sold by such registered seller, the storage, use, or other consumption of which became subject to the tax imposed pursuant to Section 7 of this Act during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the tax herein required to be collected by such registered seller during the period followed by the return; provided, that any registered seller may defer collecting the tax with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales and shall include in each quarterly report all credit collections made during the preceding quarterly period, and shall remit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage, or other consumption of tangible personal property in the county need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property the storage, use, or other consumption of which is subject to the tax imposed pursuant to Section 7 of this Act and who has not paid the tax due with respect thereto

to a registered seller, shall report and pay the tax as required by Section 10.

Section 12. (a) Each person engaging or continuing within the county in a business subject to the taxes levied pursuant to Section 5 of this Act shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes levied pursuant to said Section 5; and every registered seller shall likewise add to the sales price and collect from the purchaser the amount of any tax which such registered seller is required by Section 11 hereof to collect. It shall be unlawful for any person subject to the tax levied pursuant to Section 5 to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof. It shall likewise be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the tax imposed pursuant to Section 7 of this Act or to refund or offer to refund or absorb, or to advertise directly or indirectly, the absorption of, said tax or any portion thereof.

(b) For the purpose of complying with this section, the county taxes levied pursuant to Section 5 shall be passed on to the buyer, consumer, or user, along with the state sales tax, in cases where the sales or admission price is one dollar and ten cents (\$1.10) or less, as follows: no tax on one cent (1c) to and including ten cents (10c) of sales price, one cent (1c) tax on eleven cents (11c) to and including thirty-five cents (35c) of sales price, two cents (2c) tax on thirty-six cents (36c) to and including sixty cents (60c) of sales price, three cents (3c) tax on sixty-one cents (61c) to and including eighty-five cents (85c) of sales price, and four cents (4c) tax on eighty-six cents (86c) to and including one dollar ten cents (\$1.10) of sales price.

Section 13. The taxes imposed pursuant to this Act shall constitute a debt due the county and may be collected by civil suit, in addition to all other methods provided by law and in this Act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All of the provisions of the revenue laws of this state which apply to the enforcement of liens for license taxes due this state shall apply fully to the collection of the taxes herein levied, and the Director, for the use and benefit of the county shall collect such taxes and enforce this Act and

shall have and exercise for such collection and enforcement all rights and remedies that the state or the State Department of Revenue has for collection of the state sales tax and the state use tax.

Section 14. All provisions of the state sales tax statutes with respect to payment and assessment of the state sales tax, making of monthly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, making reports or otherwise complying with the state sales tax statute, the promulgation of rules and regulations with respect to the state sales tax, and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied pursuant to Section 5 hereof, shall apply to the tax levied pursuant to said Section 5; and all provisions of the state use tax statutes with respect to payment and assessment of the state use tax, making quarterly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state use tax statutes, the promulgation of rules and regulations with respect to the state use tax, and the administration and enforcement of the state use tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied pursuant to Section 7 hereof, shall apply to the tax levied pursuant to said Section 7. The Director shall have and exercise all of the same powers, duties and obligations with respect to the taxes levied pursuant to Sections 5 and 7 hereof that are imposed on or granted to the Director and the State Department of Revenue, respectively, by the state sales tax statutes and the state use tax statutes. All provisions of the state sales tax statutes and the state use tax statutes that are made applicable in this Act to the taxes herein levied and to the administration of this Act are hereby incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 15. Each person, firm or corporation collecting and remitting any of the taxes provided for in this Act shall be entitled to a discount not to exceed five percent (5%) of the first one hundred dollars (\$100) of taxes levied and two percent (2%) of the taxes levied over one hundred dollars (\$100) by this Act, and due and payable to the County; provided, however, that no discount shall be allowed upon any taxes which are not paid before delinquency, as in this Act provided.

Section 16. All taxes required to be paid by this Act shall be paid to the Director and shall, by him, be distributed as follows: An amount equal to two percent (2%) of the taxes collected first shall be paid to the Director and by him to the County Treasurer of Jefferson County, Alabama, to be paid into the general fund of the county for the expense of the collection and distribution of

said tax. The remainder of said tax (ninety-eight percent (98%) of the sums collected or received) shall be distributed by the Director as provided in Section 17 of this Act. The Director shall make such distribution on or before the first day of each successive month (commencing with the month following the month in which the Director makes or receives the first collections hereunder). The Director shall furnish to each of the municipalities and institutions and to the county a statement of all such receipts and disbursements each month at the time the Director makes distribution as provided in Section 17 hereof.

Section 17. The proceeds of the taxes provided for in this Act shall be devoted to the following uses and purposes exclusively, to-wit: (1) twenty-five percent (25%) thereof shall be used to provide facilities to care for, and to provide treatment and care for indigent sick and injured persons who are bona fide residents of the county; (2) forty-two percent (42%) shall be divided among the school systems in the county to which State and County funds are distributed, on the basis of teacher units as determined in accordance with the minimum school program for the current school year or on such other basis as may be hereafter prescribed to be used for the support and furtherance of education in the county; (3) eight percent (8%) shall be used by the county for the construction of sewers and sewage disposal facilities; (4) twenty-five percent (25%) shall be divided pro rata on a population basis among the municipalities in the county.

Section 18. At any time following the levy and imposition of the taxes provided for herein, and upon the petition of ten percent (10%) of the number of voters voting in the last preceding general election being filed with the probate judge of the county, the judge must call an election for the county to determine the sentiment of the people as to whether or not the taxes shall be continued in effect in the county. Such election shall be held on the same day as the next primary, general, or special election that is held in the county, and shall be held and conducted in the manner provided by law for holding other county elections. Notice of the election shall be given by the judge of probate by publication once a week for four consecutive weeks next preceding the election in a newspaper published in the county. All costs of the election, including, but not limited to, the cost of publishing the notice and cost of renting voting machines shall be paid by the following on the bases specified:

(1) Twenty-five percent (25%) of such cost shall be paid by the board of trustees of the University of Alabama; (2) forty-two percent (42%) of such cost shall be divided among the school systems of the county to which state and county funds are distributed on the basis of teacher units; (3) eight percent (8%) of such cost shall be paid by Jefferson County, Alabama; (4) twenty-five percent (25%) shall be paid by the municipalities

in the county pro rata on a population basis.

If a majority of the voters participating in the election vote in favor of the continuation of such tax, then the county commission may thereupon continue said tax in effect. If, on the other hand, a majority of the voters participating in the election disapprove the continuation of such taxes in the county, the county commission may adopt an ordinance, order or resolution repealing the taxes provided by this Act.

Section 19. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:10 A. M.

Act No. 511

H. 873—Adams (Houston)

AN ACT

To amend Section 15 of Act No. 75 adopted at the First Special Session of the Legislature of Alabama of 1959 pertaining to records of the proceedings of and resolutions and ordinances adopted by Boards of Commissioners in certain cities having the commission form of government.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 15 of Act No. 75 adopted at the First Special Session of the Legislature of Alabama of 1959 is hereby amended so that the same shall read as follows:

"Section 15. A record of the proceedings of every such meeting shall be kept in a well bound book and shall be signed by at least two of the commissioners before the action taken at such meeting shall be effective. Every resolution and ordinance adopted by the board of commissioners shall be kept in either the same or another well bound book. All such records shall be kept available for inspection by all citizens of such city at all reasonable times."

Section 2. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming law.

Approved November 19, 1959.

Time: 8:40 A. M.

Act No. 512

H. 775—Merrill, Thomas

AN ACT

To amend Section 125 of Title 12, Code of Alabama 1940, which relates to the interest rate and maturity of temporary loans made by county governing bodies in anticipation of taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 125 of Title 12, Code of Alabama 1940, is amended so as to read as follows:

Section 125. Such loans shall not be in an amount greater than fifty thousand dollars (\$50,000.00) per year and may bear interest not to exceed six percent per annum. All such loans shall mature not later than February first of the year following that in which the loan is made and may be renewed only upon payment of all interest then due, together with not less than ten percent of the principal then outstanding; provided further that once a temporary loan, or loans, in the amount of fifty thousand dollars (\$50,000.00) has been made under the authority of this chapter, no further temporary loans may be so made until such time as all of such original indebtedness has been fully repaid, and the renewal, refunding or refinancing of such original indebtedness shall not be considered as repayment thereof within the meaning of this section. No proceeds from any loans made under the provisions of this chapter shall be used for any purpose other than that for which the general funds of the county may now be used.

Section 2. All general laws or parts of laws in conflict with the provisions hereof are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:41 A. M.

Act No. 513

H. 1020—Perry, Morrow, Locke, Edwards,
Rast, Sessions, Hawkins

AN ACT

To provide that in any county of the state having a population of 500,000 or more according to the last or any subsequent federal census, any person who, in payment of any privilege or license tax due the state or the county, issues a worthless check, or a check which is not paid by the bank upon which it is drawn shall be subject to a penalty, and to provide that any license procured by or through such check shall be void and that no other business license shall be issued to the person drawing such check until the said penalty has been paid.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to any County in the State of Alabama having a population of 500,000 or more according to the last or any subsequent federal census. The word "person" as used in this Act shall include a corporation, firm or association.

Section 2. Where the payment of a tax or fee to the County or to the State is required as a condition to the issuance of any license, any person who procures the issuance of the license by or through delivering to the officer chargeable with the duty of collecting said tax or fee a worthless check, or a check which is not paid by the bank on which it is drawn, shall be subject to a penalty of 5% of the amount of such check; provided, however, that in any event, such penalty shall be at least \$1.50. The penalty hereby provided shall be in addition to the other penalties now or hereafter provided for by law. Any license procured by or through such worthless check, or check not paid by the bank on which it is drawn, shall be void and of no effect. The officer chargeable with the duty of receiving the payment of the tax or fee and issuing the license shall not issue any further business or privilege license to any person who is due to pay a penalty hereunder until said penalty has been paid. All penalties collected under this Act shall be paid into the general funds of the County.

Section 3. This Act shall become effective upon its approval by the Governor or by its otherwise becoming a law.

Approved November 18, 1959.

Time: 3:00 P. M.

Act No. 514

H. 1022—Sessions, Perry, Locke,
Edwards, Morrow,
Hawkins, Rast

AN ACT

To authorize and empower the Judge of Probate and the Chief Clerk of the Probate Court to install and maintain improved systems of indexing in all probate courts in counties having a population of not less than 500,000 inhabitants according to the last or any subsequent federal census; to authorize the indexing of all estates and other cases in alphabetical order and to use card or strip indexes; and to authorize direct and reverse index of all real property instruments, and direct and reverse index of all personal property instruments and miscellaneous instruments, in alphabetical order; and to authorize the use of card or strip indexes in the office of the judge of probate in such counties; and to authorize the county commission or like governing body to approve of the purchase of all equipment, files and supplies necessary to install and maintain such indexing systems.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in and only in counties in

Alabama having a population of 500,000 inhabitants, according to the last or any subsequent federal census. The purpose of this act is to facilitate the use of public records in property transactions in each such county by providing for the installation of an improved system of indexing estates and other judicial cases and of recorded instruments and documents affecting property rights that are filed or recorded in the Office of the Judge of Probate of each such county.

Section 2. The Judge of Probate and the Chief Clerk of the Probate Court in each such county are hereby authorized and empowered to install and maintain an improved indexing and recording system in the probate offices of the county, for the establishment of alphabetical indexes of all estates and other cases, and for the establishment of alphabetical indexes, both direct and reverse, of all real property instruments recorded in the probate office of the county, and for the establishment of alphabetical indexes, both direct and reverse, of all personal property instruments and miscellaneous documents usually indexed with personal property, recorded in the office of the judge of probate of such county, and the Judge of Probate and Chief Clerk of the Probate Court in each such county are authorized to install and use a card or a strip index system for the purpose of maintaining good alphabetical order, and to photostat the index for each year's recordings of real and personal instruments to be placed in alphabetical order in separate bound volumes or books.

Section 3. The County Commission, Board of Revenue, or like governing body of the county is hereby authorized and empowered to authorize and provide for the purchase, installation and maintenance of an improved indexing and recording system in the probate office of the county, and to provide needed or necessary clerical help, equipment, files and supplies therefor.

Section 4. Upon the installation of the improved indexing system in the probate court of such county, the new indexes shall constitute the official records to the same extent as indexes prepared pursuant to the provisions of Section 285 of Title 13 of the Code of Alabama of 1940, and shall be in lieu thereof.

Section 5. All laws or parts of laws which conflict with this Act are, to the extent of such conflict, repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 18, 1959.
Time: 3:01 P. M.

AN ACT

To amend Section 1 of Act No. 10, S. 3, approved July 19, 1950 (Acts 1950-1951, Vol. I, p. 27), an act relating to the compensation and duties of the superintendent of education of Limestone County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 10, S. 3, approved July 19, 1950 (Acts 1950-1951, Vol. I, p. 27), an act relating to the compensation and duties of the superintendent of education of Limestone County, is hereby amended to read as follows:

"Section 1. The incumbent Superintendent of Education of Limestone County, Alabama, in addition to the duties imposed under the general laws of Alabama shall begin immediately to administer the Veterans Training Program of Limestone County, begin immediately to administer and direct the School Lunch Program of such County, and also begin immediately to act as Secretary and Adviser to the Limestone County Board of Education during all its regular and special meetings. For the performance of the extra, new and additional duties imposed on him, and for his regular duties, the annual salary of the incumbent Superintendent of Education of Limestone County, to be paid in equal monthly installments, shall be as follows: When the tax assessor's records show that the gross assessed valuation of such property for the tax year ending on the thirtieth day of September of any year was less than eleven million dollars (\$11,000,000) the salary of the superintendent for the year beginning on the first day of the next January shall be three thousand six hundred dollars (\$3,600); when these records show the gross assessed valuation is eleven million dollars (\$11,000,000) or more but less than eleven million two hundred and fifty thousand dollars (\$11,250,000) the salary of the superintendent for the year beginning on the first day of the next January shall be three thousand eight hundred dollars (\$3,800); when these records show the gross assessed valuation is eleven million two hundred fifty thousand dollars (\$11,250,000) or more but less than eleven million five hundred thousand dollars (\$11,500,000) the salary of the superintendent for the year beginning on the first day of the next January shall be four thousand dollars (\$4,000); when these records show the gross assessed valuation is eleven million five hundred thousand dollars (\$11,500,000) or more but less than twelve million dollars (\$12,000,000) the salary of the superintendent for the year beginning on the first day of the next January shall be four thousand two hundred dollars (\$4,200); when these records show the gross assessed valuation is twelve million dollars (\$12,000,000) or more but less than twelve million five hundred thousand dollars (\$12,500,000) the salary of the superintendent for the year beginning on the first day of the next Jan-

uary shall be four thousand eight hundred dollars (\$4,800); when these records show the gross assessed valuation is twelve million five hundred thousand dollars (\$12,500,000) or more but less than thirteen million dollars (\$13,000,000) the salary of the superintendent for the year beginning on the first day of the next January shall be five thousand four hundred dollars (\$5,400); when these records show the gross assessed valuation is thirteen million dollars (\$13,000,000) or more but less than thirteen million five hundred thousand dollars (\$13,500,000) the salary of the superintendent for the year beginning on the first day of the next January shall be six thousand dollars (\$6,000); when these records show the gross assessed valuation is thirteen million five hundred thousand dollars (\$13,500,000) or more but less than fourteen million dollars (\$14,000,000) the salary of the superintendent for the year beginning on the first day of the next January shall be six thousand five hundred dollars (\$6,500); and when these records show the gross assessed valuation is fourteen million dollars (\$14,000,000) or more the annual salary of the superintendent for the succeeding calendar years shall be seven thousand dollars (\$7,000). In the event any principal of a school under the supervision and control of said superintendent of education receives a sum equal to or greater than the salary hereinabove provided, then and in that event, the Board of Education of Limestone County may immediately increase the salary of said superintendent of education to a sum greater than said principal's salary. In addition to his salary, the superintendent shall receive an allowance for expenses of one thousand two hundred dollars (\$1,200) per annum."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 18, 1959.

Time: 3:02 P. M.

Act No. 516

H. 1003—Oden

AN ACT

To levy additional county privilege license and excise taxes for public school purposes in Franklin County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act; prescribing penalties; and providing that this Act supersedes Act No. 216, H. 397, approved August 8, 1955 (Acts 1955, vol. I, pp. 523-525).

Be It Enacted by the Legislature of Alabama:

Section 1. All words, terms, and phrases that are defined in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, which levies a state sales tax, and in Article 11, Chapter 20, Code of Alabama 1940, as amended, shall, where used in this Act, have the meanings respectively ascribed to them in said Act No. 100 of August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended, except where the context herein clearly indicates a different meaning. In addition, the following words, terms, and phrases where used in this Act shall have the following respective meanings except where the context clearly indicates a different meaning:

"State sales tax statutes" means Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, enacted at the Special Session of the Legislature of Alabama that convened June 24, 1959, which levies a retail sales tax for state purposes, and includes all statutes, including amendments to said Act No. 100, heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Act No. 100 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of said act and the incidence and collection of the tax imposed therein;

"State sales tax" means the tax imposed by the state sales tax statutes;

"State use tax statutes" means Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended, including all statutes heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Article 11 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of the said article and the incidence and collection of the tax imposed therein;

"State use tax" means the tax imposed by the state use tax statutes;

"Registered seller" means the person registered with the state department of revenue pursuant to the state sales tax statutes;

"Month" means the calendar month;

"Quarterly period" means the period of three months ending on the last day of each March, June, September, and December;

"Fiscal year" means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year.

Section 2. Effective on the first day of the month succeeding the month during which this Act becomes a law, there is hereby

levied in Franklin County, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

1. Upon every person, firm, or corporation engaged or continuing within Franklin County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks), an amount equal to one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business. Provided, that neither the State of Alabama nor the Alabama Alcoholic Beverage Control Board shall be subject to said tax.

2. Upon every person, firm, or corporation engaged or continuing within Franklin County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within Franklin County, an amount equal to one percent of the gross receipts of any such business.

3. Upon every person, firm, or corporation engaged or continuing within Franklin County in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines, attachments and replacements therefor which are made or manufactured for use on or in the oper-

ation of such machines, and which are necessary to the operation of such machines and are customarily so used, an amount equal to one-half of one percent of the gross proceeds of the sale of such machines, attachments, parts and replacements therefor.

4. Upon every person, firm, or corporation engaged or continuing within Franklin County in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-half of one percent of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer. Provided, that where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment of the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less a credit for the used vehicle taken in trade.

There are exempted, however, from the provisions of this section and from the computation of the amount of the tax imposed in this section the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the state sales tax statutes from the computation of the amount of the state sales tax.

Section 3. An excise tax is hereby imposed on—

(a) The storage, use, or other consumption in Franklin County of tangible personal property purchased at retail, on or after the first day of the month next succeeding the month during which this Act shall become a law, for storage, use or other consumption in Franklin County, at the rate of one percent of the sale price of such property, regardless of whether the retailer is or is not engaged in business in Franklin County or in this state, except as provided in subsections (b) and (c) of this section; and

(b) The storage, use, or other consumption in Franklin County of any new or used automotive vehicle, truck trailer or semi-trailer purchased at retail on or after the first day of the month next succeeding the month during which this Act becomes a law, for storage, use, or other consumption in Franklin County, at the rate of one-half of one percent of the sales price of such automotive vehicle, truck trailer, or semi-trailer. Where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the difference of the price of the new or used vehicle sold less a credit for the used vehicle taken in trade; and

(c) The storage, use, or other consumption in Franklin

County of any machine used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machines, attachments, and replacements therefor which are made or manufactured for use on or in the operation of such machines, purchased at retail on or after the first day of the month next succeeding the month during which this Act becomes a law, for storage, use, or other consumption in Franklin County, at the rate of one-half of one percent of the sales price of such machine or the parts, attachments, or replacements therefor.

There are exempted, however, from the provisions of this section and the tax imposed in this section the storage, use, or other consumption of property the storage, use, or other consumption of which is presently exempted under the state use tax statutes from the state use tax. Subject to these exemptions, every person storing or using or otherwise consuming in Franklin County tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the tax has been paid by such person as herein provided; provided, however, that a receipt from a registered seller given pursuant to Section 5 of this Act to the purchaser of any property to be used, stored, or consumed in Franklin County shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 4. The taxes levied in Section 2 of this Act shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues; and the taxes levied in Section 3 of this Act shall be due and payable quarterly on or before the twentieth day of the month next succeeding each quarterly period during which the storage, use, or other consumption of the tangible personal property became taxable hereunder, each such quarterly period to end on the last days of each of the months of March, June, September and December. All taxes levied in this Act shall be paid to and collected by the state department of revenue at the same time and along with the collection of the state sales tax and the state use tax. On or prior to the due dates of the taxes herein levied each person subject to such taxes shall file with the state department of revenue a report or return in such form as may be prescribed by the department, setting forth, with respect to all sales and business that are provided in Section 2 hereof to be used as a measurement of the tax levied in said Section 2, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business and setting forth, with respect to the tax levied in Section 3 hereof, the total sales price of all property, the use, storage, or other consumption of which became subject to the tax imposed by said Section 3 during the then preceding quarterly period; provided, however,

that said report shall include also such other items of information pertinent to the said taxes in the amount thereof as the state department of revenue may require. Any person subject to the taxes levied in Section 2 hereof may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the state department of revenue under this section shall be available for inspection by the governing body of Franklin County, or its designated agent, at reasonable times during business hours.

Section 5. Every registered seller making sales of tangible personal property for storage, use, or other consumption in Franklin County (which storage, use, or other consumption is not herein exempted from the tax imposed in Section 3 hereof) shall at the time of making such sale or, if the storage, use, or other consumption of such tangible personal property in Franklin County is not then taxable under this Act, at the time such storage, use, or other consumption becomes taxable hereunder, collect the tax imposed by Section 2 of this Act from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the state department of revenue. On the twentieth day of the month following the close of each quarterly period provided for in Section 4 hereof, each registered seller shall file with the state department of revenue a return for the preceding quarterly period in such form as may be prescribed by the department, showing the total sales of the tangible personal property sold by such registered seller, the storage, use, or other consumption of which became subject to the tax imposed by Section 3 of this Act during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the tax herein required to be collected by such registered seller during the period followed by the return; provided, that any registered seller may defer collecting the tax with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales and shall include in each quarterly report all credit collections made during the preceding quarterly period, and shall omit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage, or other consumption of tangible personal property in Franklin County need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property the storage, use, or other consumption of which is subject to the tax imposed by Section 3 of this Act and who

has not paid the tax due with respect thereto to a registered seller, shall report and pay the tax as required by Section 4.

Section 6. Each person engaging or continuing within Franklin County in a business subject to the taxes levied in Section 2 of this Act shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes levied in said Section 2; and every registered seller shall likewise add to the sales price and collect from the purchaser the amount of any tax which such registered seller is required by Section 5 hereof to collect. It shall be unlawful for any person subject to the tax levied in said Section 2 to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof. It shall likewise be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the tax imposed by Section 3 of this Act or to refund or offer to refund or absorb, or to advertise directly or indirectly the absorption of, said tax or any portion thereof.

Section 7. The taxes imposed by this Act shall constitute a debt due Franklin County and may be collected by civil suit, in addition to all other methods provided by law and in this Act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All of the provisions of the revenue laws of this state which apply to the enforcement of liens for license taxes due this state shall apply fully to the collection of the taxes herein levied, and the state department of revenue, for the use and benefit of Franklin County shall collect such taxes and enforce this Act and shall have and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state sales tax and the state use tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes levied by this Act, and to otherwise enforce the provisions of this Act, including any litigation involving this Act; and the department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it for Franklin County.

Section 8. All provisions of the state sales tax statutes with

respect to payment, assessment and collection of the state sales tax, making of monthly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state sales tax statutes, the promulgation of rules and regulations with respect to the state sales tax, and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied in Section 2 hereof, shall apply to the tax levied in the said Section 2; and all provisions of the state use tax statutes with respect to payment, assessment and collection of the state use tax, making quarterly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state use tax statutes, the promulgation of rules and regulations with respect to the state use tax, and the administration and enforcement of the state use tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied in Section 3 hereof, shall apply to the tax levied in the said Section 3. The commissioner of revenue and the state department of revenue shall have and exercise all of the same powers, duties and obligations with respect to the taxes levied in Sections 2 and 3 hereof that are imposed on the commissioner and the department, respectively, by the state sales tax statutes and the state use tax statutes. All provisions of the state sales tax statutes and the state use tax statutes that are made applicable in this Act to the taxes herein levied and to the administration of this Act are hereby incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 9. The state department of revenue shall charge Franklin County for collecting said special taxes herein levied a percentage of said taxes to be computed on the basis that the total cost of collecting the state sales and use taxes bears to the total of said state taxes collected for each fiscal year. A proportionate part of such charge may be deducted once each month from the special sales and use taxes collected before certifying the amount of special taxes due Franklin County. The commissioner of revenue shall pay into the state treasury all taxes collected under this Act, as such taxes are received by the department of revenue; and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of Franklin County during the month immediately preceding the making of such certificate. Provided, however, that before certifying

the amount of the taxes paid into the state treasury for the benefit of Franklin County during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the custodian of the public school funds of Franklin County, in his official capacity, in an amount equal to three-fourths of the amount so certified by the commissioner of revenue as having been collected for the use of Franklin County, and the remainder shall be paid to the custodian of the public school funds of the City of Russellville.

Section 10. All revenue arising from the taxes herein levied shall be used exclusively for public school purposes within Franklin County.

Section 11. This Act supersedes Act No. 216, H. 397, approved August 8, 1955 (Acts 1955, vol. I, pp. 523-525); provided, that rights and duties that matured, penalties that were incurred, and proceedings that were begun under said Act No. 216 before the effective date of this Act shall not be affected by this Act.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. This Act shall become effective on the first day of the month succeeding the month during which the Act shall be approved by the Governor or shall otherwise become a law.

Approved November 19, 1959.

Time: 8:13 A. M.

Act No. 517

H. 1034—Roberts

AN ACT

To provide for reimbursement of expenses incurred by members of the Board of County Commissioners of Madison County in the performance of their duties.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the Board of County Commissioners of Madison County shall each be entitled to reimbursement for expenses incurred in the performance of official duties in the amount of 100 dollars (\$100) a month, which shall be paid from any funds in the county treasury not otherwise appropriated at the end of each month, on warrants drawn in the same manner as warrants are drawn for the payment of his compensation and allowances as prescribed by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 18, 1959.

Time: 3:02 P. M.

Act No. 518

H. 1072—Morrow, Edwards, Perry, Rast,
Hawkins, Locke, Sessions

AN ACT

To alter and extend the boundaries of the City of Birmingham so as to include within the city limits of the City of Birmingham part of the territory located within Section 34, Township 16, Range 2 West; Section 35, Township 16 Range 2 West; Section 26, Township 16, Range 2 West; Section 23, Township 16, Range 2 West; Section 24, Township 16, Range 2 West; Section 13, Township 16, Range 2 West; Section 7, Township 16, Range 1 West; Section 6, Township 16, Range 1 West; Section 1, Township 16, Range 2 West; Section 12, Township 16, Range 2 West; Section 11, Township 16, Range 2 West; Section 14, Township 16, Range 2 West; Section 15, Township 16, Range 2 West; Section 22, Township 16, Range 2 West and Section 27, Township 16, Range 2, in Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Birmingham, in the County of Jefferson, State of Alabama, are hereby altered and extended so that said boundaries shall include within the corporate limits of said city all of the following described territory not presently located in said City of Birmingham, to-wit:

Begin at the northeast corner of Lot 27, Block 1, Cloverdale Estates, Second Addition, as recorded in Map Book 47, Page 17, in the office of the Judge of Probate of Jefferson County, Alabama, said point being a point on the present city limit line of the City of Birmingham, and said northeast corner of Lot 27, Block 1, being a point on the north line of Section 35, Township 16 South Range 2 West; thence west along the north line of said section to the southwest corner of the southeast quarter of Section 26, Township 16 South, Range 2 West; thence west along the south line of the southeast quarter of the southwest quarter of Section 26, Township 16 South, Range 2 West, to the northwest corner of Block 7, Boulevard Addition as recorded in Map Book 6, Page 36, in the office of the Judge of Probate of Jefferson County, Alabama; thence southwesterly along the west line of Block 7, 6, 5, 2, and 1, of Boulevard Addition to the east line of the northwest quarter of the northwest quarter of Section 35, Township 16 South, Range 2 West; thence north along the east line of the said quarter-quarter section a distance of 545 feet; thence northwest 1380 feet more or less along the south line of the property of the Water Works Board of the City

of Birmingham to the west line of the northwest quarter of the northwest quarter of Section 35, Township 16 South, Range 2 West; thence south along the west line of the said quarter-quarter section a distance of 920 feet, more or less, to the southwest corner of the northwest quarter of the northwest quarter of said section; thence west along the south line of the northeast quarter of the northeast quarter of Section 34, Township 16, South, Range 2 West, to the southwest corner of said quarter-quarter section; thence north along the west line of the northeast quarter of the northeast quarter for a distance of 326 feet, more or less, to the south line of the property of the Water Works Board of the City of Birmingham; thence northwesterly along the southwest line of the property of the Water Works Board of the City of Birmingham, a distance of 926 feet, more or less; thence west along the south line of said Water Works Board property a distance of 710 feet, more or less, to the west line of the northwest quarter of the northeast quarter of Section 34, Township 16 South, Range 2 West; thence continue west along the south line of the property of the Water Works Board of the City of Birmingham a distance of 800 feet, more or less; thence south a distance of 230 feet, more or less; thence southeast along the property line of the Water Works Board of the City of Birmingham a distance of 1100 feet, more or less, to the west line of the northeast quarter of Section 34, Township 16, South, Range 2 West; thence south along the west line of said quarter section to the southwest corner of the northeast quarter of said section; thence west along the south line of the northwest quarter of Section 34, Township 16 South, Range 2 West to the west line of said section; thence north along the west line of Section 34, Township 16, South, Range 2 West; and the west line of Section 27, Township 16 South, Range 2 West to the northwest corner of the property of the Water Works Board of the City of Birmingham; thence northeasterly along the northwestern line of the property of the Water Works Board of the City of Birmingham a distance of 1350 feet, more or less, to the west line of the northeast quarter of the southwest quarter of Section 27, Township 16 South, Range 2 West; thence north along the west line of the said quarter-quarter section and the west line of the southeast quarter of the northwest quarter of Section 27, Township 16 South, Range 2 West, to a point 617 feet north of the southwest corner of said southeast quarter of the northwest quarter; thence northwest 420.69 feet to the southeast line of the Pinson Highway; thence northeast along the said southeast line of the Pinson Highway to the south line of Blach's Road, in the southeast quarter of the northwest quarter of Section 14, Township 16 South, Range 2 West; thence in an easterly direction along the meandering south line of Blach's Road to the northeast corner of the northwest quarter of the southeast quarter of Section 14, Township 16 South, Range 2 West; thence north along the west line of the

southeast quarter of the northeast quarter to the northwest corner of said quarter quarter section; thence north along the west line of the northeast quarter of the northeast quarter a distance of 335 feet, more or less, to the southwest line of Lot 23, Greenfield Village as recorded in Map Book 36, Page 28, in the office of the Judge of Probate of Jefferson County, Alabama; thence northwest along the southwest lines of Lots 23 and 22 of said Greenfield Village to the southeastern line of the Pinson Highway; thence northeast along the southeastern line of the Pinson Highway to the south line of Section 1, Township 16 South, Range 2 West; thence east along the said south line of said section to the southwest corner of the southeast quarter of said section; thence north along the west line of the southeast quarter a distance of 556 feet; thence east for a distance of 278 feet; thence south a distance of 100 feet; thence east a distance of 430 feet; thence south for a distance of 456 feet to the south line of Section 1, Township 16, South, Range 2 West; thence east along the south line of said section to the southwest corner of Section 6, Township 16 South, Range 1 West; thence north along the west line of said section to the northwest corner of the southwest quarter of the southwest quarter of Section 6, Township 16 South, Range 1 West; thence east along the north line of said quarter quarter section a distance of 660 feet; thence south parallel with said west line of the southwest quarter of the southwest quarter a distance of 1320 feet to the north line of Section 7, Township 16, South Range 1 West; thence east along the north line of said section to the northeast corner of the northwest quarter of the northeast quarter of Section 7, Township 16 South, Range 1 West; thence south along the east line of the said quarter quarter section to the southeast corner of the northwest quarter of the northeast quarter of Section 7, Township 16 South, Range 1 West; thence west along the south line of the northwest quarter of the northeast quarter and the south line of the northeast quarter of the northwest quarter and the south line of the northwest quarter of the northwest quarter of said Section 7, Township 16, South, Range 1 West, and the south line of the northeast quarter of the northeast quarter and the south line of the northwest quarter of the northeast quarter of Section 12, Township 16 South, Range 2 West, to the northeast corner of the southeast quarter of the northwest quarter of said section; thence south along the east line of the southeast quarter of the northwest quarter to the southeast corner of the southeast quarter of the northwest quarter of Section 12, Township 16 South, Range 2 West; thence west along the south line of the northwest quarter of said section to the northeast corner of the northwest quarter of the southwest quarter; thence south along the east line of said quarter quarter section to the southwest corner of the northeast quarter of the southwest quarter; thence east along the north line of the southeast quarter of the south-

west quarter of Section 12, Township 16 South, Range 2 West, to the northeast corner of the southeast quarter of the southwest quarter; thence south along the east line of said quarter quarter section to the southeast corner of the southwest quarter of Section 12, Township 16 South, Range 2 West; thence south along the east line of the northeast quarter of the northwest quarter of Section 13, Township 16 South, Range 2 West, to the southeast corner of said quarter quarter section; thence west along the south line of the northeast quarter of the northwest quarter to the northeast corner of the southwest quarter of the northwest quarter of said section; thence south along the east line of said quarter quarter section and south along the east line of the northwest quarter of the southwest quarter of Section 13 Township 16 South, Range 2, West, to the northwest corner of the southeast quarter of the southwest quarter of the said section; thence east along the north line of said quarter quarter section to the northeast corner of the southeast quarter of the southwest quarter of Section 13, Township 16, South, Range 2 West; thence south along the east line of said quarter quarter section to the southeast corner of the southwest quarter of said section; thence west along the south line of the southwest quarter of Section 13, Township 16 South, Range 2 West, to the northeast corner of Section 23, Township 16 South, Range 2 West; thence south along the east line of said section to the northwest corner of the southwest quarter of the northwest quarter of Section 24, Township 16 South, Range 2 West; thence east along the north line of the said quarter quarter section a distance of 430 feet; thence south 600 feet; thence in a southwesterly direction a distance of 130 feet; thence west to the west line of the southwest quarter of the northwest quarter of Section 24, Township 16 South, Range 2 West; thence south along the west line of said quarter quarter section to the northwest corner of the northwest quarter of the southwest quarter; thence east along the north line of the said quarter quarter section a distance of 660 feet; thence south 1320 feet along the east line of the west one half of said quarter quarter section to the north line of the southwest quarter of the southwest quarter; thence east along the north line of said quarter quarter section to the northeast corner of the southwest quarter of the southwest quarter of Section 24, Township 16, South, Range 2 West; thence north along the west line of the northeast quarter of the southwest quarter of said section a distance of 1165 feet; thence east parallel with the north line of said quarter quarter section a distance of 1111.4 feet, more or less; thence south a distance of 43.7 feet; thence east a distance of 208.7 feet, more or less, to the east line of the southwest quarter of Section 24, Township 16 South, Range 2 West; thence south along the east line of said quarter section a distance of 1722 feet, more or less; thence west a distance of 418 feet; thence south a distance of 209.0 feet; thence west a distance of 905 feet, more or less;

thence south a distance of 500 feet more or less to the south line of Section 24, Township 16 South Range 2 West; thence west along the south line of said section to the southwest corner of Section 24, Township 16 South, Range 2 West; thence north along the west line of the said section a distance of 451 feet; thence east a distance of 209 feet; thence north a distance of 418 feet; thence west a distance of 209 feet to the west line of Section 24, Township 16 South, Range 2 West; thence north along the west line of the said section to the northeast corner of the southeast quarter of the southeast quarter of section 23, Township 16, South, Range 2 West; thence west along the north line of said quarter quarter section a distance of 658.63 feet; thence north a distance of 664.14 feet; thence west to the west line of the northeast quarter of the southeast quarter of Section 23, Township 16 South, Range 2 West; thence north along the west line of the said quarter quarter section to the northwest corner of the northeast quarter of the southeast quarter of said section; thence east along the north line of said quarter quarter section a distance of 660.48 feet; thence north a distance of 1328 feet, more or less, to the south line of the northeast quarter of the northeast quarter of Section 23, Township 16 South, Range 2 West; thence west along the south line of said quarter quarter section and the south line of the northwest quarter of the northeast quarter of Section 23, Township 16 South, Range 2 West, to the northeast corner of the southeast quarter of the northwest quarter; thence south along the east line of the said quarter quarter section and the east line of the southwest quarter of Section 23, Township 16 South, Range 2 West, and the east line of the northwest quarter and the east line of the southwest quarter of Section 26, Township 16 South, Range 2 West, to the south line of Clift Avenue if extended; thence east along the south line of Clift Avenue to the east line of the southwest quarter of the southeast quarter of Section 26, Township 16 South, Range 2 West; thence south along the east line of the said quarter quarter section to the north line of Section 35, Township 16 South, Range 2 West, which is in the present city limit line of the City of Birmingham; thence west along the present city limit line of the City of Birmingham to the point of beginning; excepting from the above description the east 1000 feet of the northeast quarter of the southeast quarter of Section 14, Township 16 South, Range 2 West.

Section 2. That this act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved November 18, 1959.

Time: 3:03 P. M.

Act No. 519

H. 1095—Perry, Rast, Hawkins, Morrow,
Edwards, Sessions

AN ACT

To provide for the relief of John Hollis Camp out of the County Treasury of Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the County Commission of Jefferson County shall be authorized and directed to draw or cause to be drawn upon the County Treasury of said County a warrant in the sum of fifteen hundred and five dollars (\$1,505.00), which said warrant shall be in favor of John Hollis Camp to compensate him for hospital and medical bills paid by him by reason of personal injuries, resulting from an accident on January 4, 1958, at the intersection of Jefferson County Road No. 8 and what was formerly Highway 78 which, prior to the accident, was returned to the County. The accident was the proximate result of the failure to properly construct or maintain warning signs at the dead end intersection to allow drivers using reasonable care to be warned of the abrupt end of the road and drop across the intersection. It shall be the duty of the County Treasurer to forthwith pay said warrant out of the County Treasury.

Section 2. That this act shall become effective immediately upon its passage or approval by the Governor, or its otherwise becoming a law.

Approved November 18, 1959.

Time: 3:04 P. M.

Act No. 520

H. 990—Sessions, Locke, Edwards, Morrow,
Perry, Rast, Hawkins

AN ACT

To amend Section 288 of Title 62 of the Code of Alabama of 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 288 of Title 62 of the Code of Alabama of 1940 be and the same hereby is amended to read as follows:

"Section 288. ELECTION OF OFFICERS AND BOARD DUTIES. The members of such Board shall, after their appointment, annually elect from among their members a chairman and may do all things necessary or convenient for carrying into effect the provisions of this subdivision. The members of the Board shall serve in their capacity as members of said Board and perform their duties as set out and provided in this subdivision,

without compensation except as herein otherwise provided. The Board shall obtain such office space, furnishings, and other proper conveniences as it shall deem reasonably necessary for carrying out the provisions of this subdivision. The county governing body may assign such to it in the courthouse provided that the actual cost to the county shall be paid by the Board. The principal office of said Board is to be located at the county seat of said county. The Board shall adopt a seal with such design as it may prescribe engraved thereon by which it shall authenticate its proceedings. Copies of all records and papers in the office of the Board duly certified and authenticated by its seal shall be received in evidence in all courts with like effect as the original. All fees and charges collected by the Board under the provisions of this subdivision shall be paid into the treasury of the respective counties hereby affected, and shall constitute a separate fund. All expenses incurred by the Board shall be paid out of such separate fund upon the order of the Board, by checks approved by the chairman of said Board of County Commissioners, or other like governing body, provided the total of such payments for every purpose shall not exceed the total fees, licenses and charges collected and paid into the county treasury by such Board, and all monies remaining in such separate fund at the end of the county's fiscal year, not expended as herein provided, shall become a part of the general fund of such county. The members of each Board shall at least every six months hold an examination for the purpose of determining the qualifications of applicants to become cosmetologists. Said Board shall receive \$30.00 per diem when said Board is in session or when holding examinations provided however that no member of such Board shall receive more than \$600.00 for such services in any one year. A majority of the Board shall constitute a quorum."

Section 2. To repeal all laws or parts of laws in conflict herewith.

Section 3. This act shall become effective immediately upon its approval by the Governor or its otherwise becoming a law.

Approved November 18, 1959.

Time: 3:05 P. M.

Act No. 521

H. 1137—Perry, Morrow, Rast, Locke,
Sessions, Hawkins, Edwards

AN ACT

To establish an Inferior Court in Precinct 33 and all other precincts in Jefferson County, Alabama, lying within or partly within the City of Bessemer, in lieu of all Justices of the Peace in said precinct or precincts and in lieu of all other Inferior Courts created in lieu of Justices of the

Peace heretofore created in said territory, said Court to be called The Bessemer Common Claims and Criminal Court. To define the jurisdiction and powers of said Court and the officers thereof; to provide for the election or appointment of the Judge, Clerk and other officers of said Court; to fix the terms or tenure of office of the officers of said Court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said Court and to fix the method of service of all processes therefrom, to designate the officials to serve processes issued by said Court and provide compensation therefor; to designate the officers of said Court, and define their duties and the duties of other officials with respect to said Court; and to otherwise provide for said Court.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That there is hereby established and created an Inferior Court in precinct 33 and all other precincts in Jefferson County, Alabama, lying within or partly within the City of Bessemer, which shall be known and designated as the Bessemer Common Claims and Criminal Court, which shall be in lieu of all Justices of the Peace within said precinct or precincts and in lieu of all Inferior Courts heretofore created in lieu of Justices of the Peace in said precinct or precincts. Said Court shall be held in a place furnished and designated by the County Commission of Jefferson County. That said Court shall have all the powers and jurisdiction now conferred or may be hereafter conferred on Justices of the Peace, and the Judge of said Court shall have and exercise all the powers and authority, perform all the duties now prescribed, or may be hereafter prescribed by law for Justices of the Peace, and shall have all the power and authority over the matters transacted in said Court.

SECTION 2. That the Court hereby established shall have and exercise civil and criminal jurisdiction in all matters of which Justices of the Peace and Inferior Courts in lieu of Justices of the Peace have jurisdiction under the general laws, concurrently with the Justices of the Peace and Inferior Courts of Jefferson County, Alabama; and shall have exclusive jurisdiction in the precinct or precincts lying within or partly within the City of Bessemer, Alabama, provided that said Court shall not have jurisdiction of Workmen's Compensation cases or civil actions of libel, slander, assault and battery, ejectment or actions in the nature of ejectment.

SECTION 3. That the territorial jurisdiction of the Court shall not extend over that portion of Jefferson County known and designated as the Birmingham Division of said County.

SECTION 4. That the Judge of said Court shall have the power to punish for contempt in all cases where Judges of the Circuit Court of this State can punish for contempt by a fine not exceeding fifty dollars and by imprisonment not exceeding five days, either or both.

SECTION 5. That the Judge of this Court shall be learned in the law and at least twenty-five years of age at the time of his election or appointment and during his tenure in office shall be a resident of that portion of the County comprising the territorial jurisdiction of the Court. The Judge of said Court shall hold office for a term of six years, and until his successor is elected and qualified. The Judge of the Bessemer Civil and Criminal Court at the time this Act goes into effect shall be the first Judge of the Court hereby established for the term ending January 1st, 1961. At the regular election for State and County officers in November, 1960, and each six years thereafter, there shall be elected a Judge of said Court by the qualified electors of the precinct or precincts in which said Court is hereby created. All vacancies in the office of Judge of said Court shall be filled by appointment of the Governor for the same duration and in the same manner Circuit Judges are appointed for the Bessemer Division of Jefferson County, Alabama, when a vacancy occurs.

SECTION 6. That the Judge of said Court shall receive an annual salary of Ten Thousand (\$10,000.00) dollars payable in equal monthly installments out of the County Treasury of Jefferson County, Alabama. The Judge of said Court shall not during his tenure of office practice law in any of the Courts of this State or of the United States.

SECTION 7. That in the absence of, disqualification or inability of the Judge of said Court to act, he shall appoint in writing a special Judge, who shall have full power to act for and in the place of the regular Judge, said person so appointed shall at the time of his appointment be a practicing attorney residing in the jurisdiction of said Court. In case the Judge of said Court shall be unable to discharge the duties of his office by reason of sickness, disqualification or inability to hold said Court, and shall not have appointed a special Judge to act, it shall be the duty of the Presiding Judge of the Bessemer Division of the Circuit Court upon request of the Clerk of said Court to appoint a special judge to transact the business of said Court, and in either event, said special Judge shall receive the same compensation as the regular Judge of said Court during the time he serves. If however, illness, disqualification or inability to serve by the regular Judge shall exceed thirty days in each calendar year, the compensation of the special Judge for all time served by him in excess of thirty days shall be deducted from the salary or compensation of the regular Judge of said Court.

SECTION 8. That there shall be a Clerk of said Court who shall give bond in such penal sum as the County Commission shall prescribe, which bond shall be approved and filed in the office of the Probate Judge of Jefferson County, said bond conditioned to faithfully discharge the duties of his office and upon

said bond there shall be the same liabilities and penalties as upon the bond of the Circuit Clerk, the premiums on said bond to be paid out of the County Treasury. There shall be a sufficient number of deputy clerks to assist the clerk in keeping the records, issuing process and transacting the business of the office. The County Commission shall prescribe or change the number of deputy clerks it deems necessary to assist the clerk in transacting the business of the Court, and shall fix the salaries of the clerk and deputy clerks which shall be paid out of the County treasury as other County employees are paid. The first clerk of said Court shall be the present clerk of the Bessemer Civil and Criminal Court. The clerk and deputy clerks thereof shall, notwithstanding the provisions of this section, be governed and controlled with respect to their appointment, tenure of service, classification, grading and compensation by the terms of any civil service law which may be in effect from time to time in Jefferson County, and said clerk and his deputies shall be entitled in determining their status under any civil service law to have added to their terms of service any previous service in similar positions.

SECTION 9. That the Constable of the precinct or precincts lying within or partly within the City of Bessemer, Alabama and the Sheriff of Jefferson County shall be the officers of said Court and shall execute all processes from said Court and make return thereof, and shall receive the same fees as are now provided by law for similar services, with respect to process issuing from the Courts of Justices of the Peace and Inferior Courts created in lieu of Justices of the Peace in said County, but the fees of the Sheriff shall be covered into the County Treasury. All writs of restitution or eviction shall be served by the Sheriff.

SECTION 10. That the Clerk of said Court shall issue all processes out of said Court, approve all bonds, keep a docket of said Court, certify all appeals and perform such other duties as are usually required of Clerks of Courts. The fees and costs that are now allowed by law to Justices of the Peace, or which may hereafter be allowed by law in Courts of Justices of the Peace, shall be taxed and collected and paid into the County Treasury. There shall also be taxed, collected and paid into the County treasury a fee of fifty cents which shall be taxed in each case filed in said Court.

SECTION 11. That the Practice, procedure, judgment, and records in this Court shall conform to and be governed by the laws applicable to practice and procedure in justice of the peace courts insofar as applicable and except as otherwise provided in this act. All judgments required to be signed shall be signed by the Judge. Judgments and the records thereof shall not be required to be more formal than those in Courts of Justices of the

peace and shall be governed by the same laws as judgments in Courts of Justices of the Peace. Every intendment is in favor of the sufficiency and validity of proceedings in this Court, when brought in question either directly or collaterally in any of the courts of this State where it appears on the face of the proceedings that this Court had jurisdiction of the subject matter and the parties.

SECTION 12. That this Court shall have final and exclusive jurisdiction concurrently with the Bessemer Division of the Circuit Court of Jefferson County, Alabama, in all misdemeanor cases.

SECTION 13. That execution may issue on the judgment of this Court and the revivor thereof had and actions thereon maintained in the same manner and for the same length of time and in accordance with the same procedure as is or may be provided by law with respect to judgments or the Circuit Court, provided that the acire facias to revive any judgment in said Court need not be served for any greater length of time than is provided herein with respect to service of the summons, and provided further that an execution from said Court need not have thereon an itemized statement of the bill of costs. The judgments of this Court shall be subject to registration in the same manner and in accordance with the same procedure as is or may be provided by law for the registration of judgments of the Circuit Court, and the liens thereof shall attach and execution be issued thereon in the same manner and to the same extent and for the same length of time as is or may be provided by law with respect to Circuit Court judgments.

SECTION 14. That the summons must be issued by the clerk of the Court, and accompanied by the complaint of the plaintiff or by an endorsement setting forth the cause of action, but a complaint shall be sufficient if it contains such information as is required by law with respect to endorsements on the summons of courts of justices of the peace. The summons must be executed by the constable, sheriff, or other officer authorized to serve process by leaving a copy of the summons and complaint or summons with the cause of action thereon with the defendant which fact he must return with the process. No party shall be treated as in default until the return date of the summons nor until after the lapse of at least three days from date of service in cases (other than forcible entry and unlawful detainer), nor in other cases (including forcible entry and unlawful detainer) until after the lapse of at least six days from date of service of the summons. All garnishments shall be answerable on or before nine o'clock A. M. on the return day of the writ and the court may render a conditional judgment against any garnishee who after proper service of the writ fails to answer on

or before such time. No more than three days service of any rule or notice to show cause why a conditional judgment should not be made final shall be necessary in any garnishment proceedings in this court. In all garnishment cases the garnishee must answer under oath according to the terms of the garnishment but the clerk need not give notice of the filing of the answer to either the plaintiff or the defendant. The garnishee may, if required by the plaintiff (which request need not be in writing) be examined orally in the presence of the Court. If the answer of the garnishee is reasonably filed any request by plaintiff for oral examination must be made within thirty days from the return date of the writ of garnishment, and in the absence of such request or of a contest instituted within thirty days from the return date, the garnishee shall be entitled to stand upon his answer as made. Service of any notice proper to be made by publication may be perfected by one insertion of the notice and after ten days from the date of publication of any such notice the party so notified and failing to appear shall be treated as in default. In the garnishment proceedings in said court, the court may upon motion of any party in interest and reasonable notice to the party or parties adversely affected, not less than three days, and whether the garnishee has answered or not hear and determine the right of exemption of the defendant in garnishment with respect to the monies or property garnished.

SECTION 15. That the Judge of this Court shall make any and all necessary rules for the conduct of the Court and the officers thereof, for the filing and trying of cases, for the distribution and service of the processes of the Court and generally with respect to the duties of the various officers of the Court in their relation to the Court, the authority herein specifically granted not to be construed as limiting authority generally and usually exercised by judges in making and enforcing the rules of the Court.

SECTION 16. That said Court shall have the power to set aside, vacate or modify its judgments upon motion made in writing within five days after the rendition of same, which said motion must be promptly determined. The Court may be open for business and render default or other judgments at any time after nine o'clock in the morning of each day and all processes of the Court where no time is otherwise fixed shall be returnable at nine o'clock A. M. of the return day.

SECTION 17. In case of emergency the Judge of said Court may appoint a suitable person to act as constable without bond, except as hereinafter provided; and the person so appointed must perform the same duties and is liable to the same pains and penalties, and is entitled to the same fee and compensation as regular constables; but such special constable is not authorized

to levy or collect executions, attachments or writs of detinue, unless prior to the levying or collecting of executions, attachments or writs of detinue, he execute a bond in the sum of twice the value of the property to be levied on, payable to the defendant as is required by law, with sureties to be approved by the Judge appointing such special constable.

SECTION 18. That all cases in said Court shall be tried by the Judge of said Court without the intervention of a jury, the Judge determining both the law and facts and any party shall have the right to appeal to the Circuit Court, Bessemer Division, within five days from entry of judgment and on appeal either party may demand a jury trial under the same rules as are provided by law for demand for jury trials in cases of appeals from judgments of Justices of the Peace and the trial in said Circuit Court shall be de nova and according to the same procedure as applied to appeals from judgments of Justices of the Peace.

SECTION 19. That appeals from judgments of said Court to the Circuit Court in cases of forcible entry and unlawful detainer shall be taken within the same time and in the same manner and upon the same conditions with respect to bonds and surety as are applicable to appeals in like cases from Justices of the Peace Courts.

SECTION 20. That any party desiring to appeal shall give bond with sureties to be approved by the clerk conditioned to pay all costs which may be taxed against him in the Circuit Court. If the judgment appealed from is for the payment of money or for the recovery of personal property and the party appealing desires to have the judgment superseded he shall give bond with sureties to be approved by the clerk and payable to the party or parties in whose favor the judgment was rendered and in such penalty as the Judge may prescribe conditioned to pay and satisfy such judgment and costs as may be awarded and taxed against him on the trial of the case in the Circuit Court. All such bonds shall be filed with and approved by the clerk within five days from the rendition of the judgment from which appeal is taken. This section shall not be applicable to judgments in forcible entry and unlawful detainer cases.

SECTION 21. Certioraries from this Court may be granted by Judges of the Circuit Court and trials de novo had in the Circuit Court for the same causes, and upon the same conditions and according to the same procedure as apply to statutory certioraries from judgments of Justices of the Peace, and all certificates and notices with respect to same shall be issued by the clerk.

SECTION 22. The Judge of this Court shall be authorized to take and have a vacation of thirty days, with pay during such

vacation, in each calendar year, to absent himself from said Court for said number of days in each calendar year. The said number of days hereby allowed as a vacation to the Judge of this Court may be taken on successive days or at different intervals. Whenever the Judge desires to take a vacation as herein provided and absents himself from the Court, he shall be and is hereby empowered to appoint a Special Judge to act as Special Judge in his absence, and in the event that the regular Judge should absent himself without having appointed a Special Judge, the Presiding Judge of the Bessemer Division of the Circuit Court of Jefferson County, Alabama, shall upon the request of the clerk of this Court appoint a Special Judge who shall perform all the duties of the regular Judge of said Court and while acting as such Special Judge shall have and exercise all the powers and authority of the regular Judge and he shall be paid out of the Treasury of the County for the time he acts as Special Judge the same compensation fixed herein to be paid the regular Judge.

SECTION 23. That it shall be the duty of the clerk to issue an execution in all judgments rendered in said Court after five days from the entry thereof and place the same in the hands of the Sheriff or other officer of the Court who shall return such execution within sixty days thereafter, said return to show that he has collected said judgment and paid the same or the amount collected, or is unable to find property of the person against whom the process issued out of which said execution can be satisfied in whole or in part.

SECTION 24. That if it shall appear to the Clerk that in any case where an execution has been returned unsatisfied as to the costs of said cause and in the opinion of the Clerk said costs can be collected by an alias execution, the clerk may issue such alias execution and may direct the sheriff or constable as to what property can be levied upon to satisfy said judgment, and the clerk may issue in such cases such other and further execution as he may deem necessary to enforce payment of costs against any party liable to execution for costs whether plaintiff or defendant.

SECTION 25. That when in any case execution against the defendant is returned "no property found" execution may issue against the plaintiff, in the name of the clerk, for all costs created by him in obtaining his judgment and attempting to collect the same.

SECTION 26. The Judge or Clerk shall have authority to certify the records and proceedings of said Court and when thus properly authenticated such records shall be admissible in evidence in all the Courts of the State of Alabama, when relevant to an issue being tried.

SECTION 27. That all causes pending in the Bessemer Civil and Criminal Court which is abolished by this Act together with all the papers and judgments of said Court, shall be transferred to this Court as if they had begun therein, and all judgments heretofore rendered in said Court shall be the same as if they had been rendered by this Court and this Court shall have the same power and control over said judgments and may issue execution and other process thereon the same as if said judgments had been originally rendered by this Court.

SECTION 28. This Court shall have exclusive and final jurisdiction concurrently with the Circuit Courts of Jefferson County, Alabama, in all misdemeanor cases arising in the Bessemer Division of Jefferson County, Alabama.

SECTION 29. Upon the conviction of any defendant in misdemeanor cases in said Court, the Court shall have the right to suspend the sentence whenever in the discretion of said Court the same may be advisable.

SECTION 30. That the Judge of said Court is hereby authorized and empowered to perform marriage ceremonies and collect and retain as a part of the prerequisites of his office the fees which are now or may be allowed by law.

SECTION 31. The Judge of said Court may designate in writing by general order, which shall continue until revoked by a general order of said Judge, the Clerk or deputy Clerk as ex-officio Judge of said Court, and the said ex-officio Judge so designated shall have the power and authority to take affidavits and issue warrants of arrest that the Judge of said Court could issue, but said ex-officio Judge shall not try cases.

SECTION 32. That in addition to the power and jurisdiction herein conferred upon said Court it shall have and is hereby given the authority and jurisdiction to sentence to perform hard labor for the County of Jefferson for the payment of fine and costs in the same manner and to the same extent as the Circuit Court of this State have authority and jurisdiction to do.

SECTION 33. If the defendant fails to appear as required by his bond said Court shall enter a forfeiture against him and his sureties, and said Court shall have the authority to issue and shall cause to issue sci. fa's to the bondsmen which shall be returnable in not less than twenty days from the issuance date, and upon final hearing said Court shall have the authority to pass upon the forfeiture and to make the same final, or to take such other action as the Circuit Court of said County may be authorized to take in case of appearance bonds in said Circuit Court. Said Judge shall issue an alias warrant for the arrest of the defendant.

SECTION 34. That there shall be taxed as a part of the costs in each misdemeanor case tried in said Court a trial tax of Three (\$3.00) dollars and a Solicitor's fee of Five (\$5.00) dollars which shall be in addition to the other costs herein provided for, and which shall be collected as other costs are collected and paid into the County Treasury.

SECTION 35. That in the trial of cases before this Court, the accused shall have no right to demand a trial by jury, that the Judge shall determine both the law and the facts, without the intervention of a jury, and shall award such punishment in misdemeanor cases as the character of the offense may demand, and render such judgment in other cases as in his judgment may seem right and proper, and in the trial of misdemeanor cases no statement of the offense need be made other than that contained in the affidavit and warrant of arrest.

SECTION 36. That appeals from judgments rendered in said Court in cases over which this Court has final jurisdiction may be taken by the defendant in misdemeanor cases and by either the plaintiff or defendant in civil cases to the Bessemer Division of the Circuit Court of Jefferson County, Alabama, within five days after the rendition of said judgment, except as herein otherwise provided, in the manner as is provided by law for appeals to be taken from Justices of the Peace Courts of this State to Circuit Courts of this State and a jury may be had on demand of the defendant in misdemeanor cases, and on demand of either party in civil cases as provided by law, and all appeals taken as herein provided for shall be tried de novo and be preferred cases in said Circuit Court and shall be governed in all respects by the rules and regulations provided by law for the trial of appeals in Circuit Courts from Justices of the Peace Courts of this State, insofar as the same may be applicable.

SECTION 37. That the Judge of said Court has the power and authority to require the Sheriff of this County, or one of his deputies to attend upon the sessions of said Court; and shall have all the power and authority inherent in the Judge of a Court of law and conferred by general statutes of the State in reference to bonds, commitments and recognizances.

SECTION 38. The judgments in civil and criminal cases shall conform as nearly as practicable to judgments in such cases in Justices of the Peace Courts of this State.

SECTION 39. If the defendant fails to appear as required by his bond and a forfeiture is taken, said forfeiture shall conform as near as practicable to the form of Circuit Court of this State.

SECTION 40. That any prosecution in said Court, if it appears to the Court that such prosecution is frivolous or malicious,

the Court shall after hearing the facts render summary judgment and tax the prosecutor or person who made the complaint or affidavit with the costs, and when the costs are imposed on the prosecutor or person who made the complaint or affidavit he may confess judgment for the same with good and sufficient sureties, and failing to do so presently pay the same, such person must be imprisoned in the County Jail or sentenced to hard labor for Jefferson County for the payment of same for such a term as may be required to pay the same not to exceed ten days.

SECTION 41. That on the passage and approval of this Act all offices of Justices of the Peace and Notary Public ex-officio Justice of the Peace and Inferior Courts created in lieu of Justices of the Peace in the precinct or precincts lying within or partly within the City of Bessemer, Jefferson County, Alabama are abolished and after the passage and approval of this Act, no other Justice of the Peace, Notary Public ex-officio Justice of the Peace shall be elected or appointed in the precinct or precincts lying within or partly within the City of Bessemer, Jefferson County, Alabama, subject and according to the provisions of Act No. 414, Acts of Alabama, Regular Session 1953, page 513.

SECTION 42. That the provisions of this act shall not take away any jurisdiction or power from any Inferior Court established in a place other than in the City of Bessemer, Alabama, or that may hereafter be established in a place other than in the City of Bessemer, Jefferson County, Alabama, neither shall the provisions of this Act take away any jurisdiction or power from the Domestic Relations or Juvenile Courts of this County. Provided further, that in no event shall the territorial jurisdiction of the Court hereby created extend over or be construed to include territory beyond that that is or may be hereafter be included in the territorial jurisdiction of the Circuit Court of Jefferson County, Alabama, sitting at Bessemer in said County.

SECTION 43. That the Judge of the Court herein created shall be ex-officio Judge of any other inferior civil or intermediate civil court hereafter created by legislative act for precinct 33 and all other precincts in Jefferson County, Alabama, lying within or partly within the City of Bessemer.

Section 44. That all laws, general, special or local in conflict with the provisions of this Act are hereby repealed.

Section 45. That this Act shall take effect upon its due passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 18, 1959.
Time: 3:06 P. M.

Act No. 522

H. 1136—Perry, Morrow, Rast, Locke,
Sessions, Hawkins, Edwards**AN ACT**

To establish an inferior court to be called the Intermediate Civil Court of Bessemer; to provide for the Judge, Clerks and other officers, their selection and duties; to provide for the jurisdiction, practice and procedure of said Court; to provide for the transfer of causes from said Court to the circuit court; and to provide for appeals from said Court and regulate the manner of taking same.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That there is hereby established and created an Intermediate Civil Court in the territorial jurisdiction co-extensive with the territorial jurisdiction of the Tenth Judicial Circuit Court of Alabama, Bessemer Division, which shall be known and designated as the Intermediate Civil Court of Bessemer. Said Court shall be held in a place furnished and designated by the County Commission of Jefferson County.

SECTION 2. That the territorial jurisdiction of this Court shall not extend over that portion of Jefferson County known and designated as the Birmingham Division of said County.

SECTION 3. The Judge of the Bessemer Common Claims and Criminal Court shall be Ex-Officio Judge of this Court.

SECTION 4. The Clerk and assistant Clerks of the Bessemer Common Claims and Criminal Court shall be Ex-Officio Clerk and Ex-Officio Assistant Clerks respectively, of this Court. The Clerk of this Court shall give bond as the County Commission may require.

SECTION 5. This Court shall have and exercise concurrently with all other courts having like jurisdiction in said County, for the territory hereinbefore defined and excluded, all the jurisdiction and power which now are, or which hereafter may be by law conferred upon the Circuit Courts, in actions at law, where the amount involved exceeds One Hundred Dollars but does not exceed Five Hundred Dollars.

SECTION 6. This Court shall not have jurisdiction of criminal offenses and shall not have jurisdiction in equity, and shall not have jurisdiction of suits for libel, slander, assault and battery, ejectment or actions in the nature of ejectment, or Workmen's Compensation.

SECTION 7. That this Court shall not have authority to grant Writs of Certiorari, Supersedas, Quo Warranto, Mandamus, nor Writs of Injunction or Ne Exeat.

SECTION 8. That the Judge of this Court shall have the power to punish for contempt in all cases where Judges of the

Circuit Court of this State can punish for contempt by a fine of not more than fifty dollars and by imprisonment not exceeding five days, either or both.

SECTION 9. That the constable of Precinct 33 of Jefferson County and the Sheriff of Jefferson County shall be ex officio officers of said court and shall execute all processes from said court and make return thereof, and shall receive the same fees as are now provided by law for similar services, with respect to processes issuing from the Courts of Justices of the Peace in said County, but the fees of the Sheriff shall be covered into the County Treasury. All processes in cases may be delivered by the Clerk to the Sheriff or to the said constable under such rules of the Court as the Judge may prescribe.

SECTION 10. That the Clerk of said Court shall issue all processes out of said Court, approve all bonds, keep a docket of said Court, certify all appeals and perform such other duties as are usually required of Clerks of Courts. The bailiff's duties for said Court shall also be performed by the Clerk or one of the Deputy Sheriffs. The fees and costs that are now allowed by law to Justices of the Peace in Jefferson County, or which may hereafter be allowed by law in Courts of Justices of the Peace in said County, shall be taxed and collected and paid into the County Treasury or as otherwise provided by law. There shall also be taxed, collected, and paid into the County Treasury the same costs as is now required by law in the Bessemer Common Claims and Criminal Court.

SECTION 11. That the practice, procedure, judgments and records in this Court shall conform to and be governed by the laws applicable to practice and procedure in Justice of the Peace Courts insofar as applicable and except as otherwise provided in this Act. All judgments required to be signed shall be signed by the Judge. Judgments and the records thereof shall not be required to be more formal than those in Courts of Justices of the Peace and shall be governed by the same laws as judgments in the Courts of Justices of the Peace. Every intendment is in favor of the sufficiency and validity of proceedings in this Court, when brought in question either directly or collaterally in any of the courts of this state where it appears on the face of the proceedings that this Court had jurisdiction of the subject matter and the parties.

SECTION 12. That the owner of any judgment of this Court may file a certificate of same in the Office of the Judge of Probate under the same procedure and in the same manner as is now or may hereafter be provided for filing certificates of judgments rendered in the Circuit Court, which judgments when so registered shall be a lien on all property of the defendant subject to levy and sale under execution and such lien shall con-

tinue for six years from the date of registration and the registration shall be notice to all persons of the existence of a lien and during said period executions or other process to enforce collection of said judgments may issue.

SECTION 13. That the summons must be issued by the Clerk of the Court, and accompanied by the complaint of the plaintiff or by an endorsement setting forth the cause of action, but a complaint shall be sufficient if it contains such information as is required by law with respect to endorsements on the summons of Courts of Justices of the Peace. The summons must be executed by the constable, sheriff or other officer authorized to serve process by leaving a copy of the summons and complaint, or summons with the cause of action endorsed thereon with the defendant which fact he must return with the process. All garnishments shall be answerable at or before nine o'clock A. M. of the return day of the writ and the Court may render a conditional judgment against any garnishee who after proper service of the writ fails to answer at or before such time. No more than three days service of any rule or notice to show cause why a conditional judgment should not be made final shall be necessary in any garnishment proceeding in this Court. Service of any notice proper to be made by publication may be perfected by one insertion of the notice and after ten days from the date of publication of any such the party so notified and failing to appear shall be treated as in default. In all garnishment proceedings in said Court the Court may upon motion of any party in interest and reasonable notice to the party or parties adversely affected not less than three days, and whether the garnishee has answered or not hear and determine the right of exemption of the defendant in garnishment with respect to the monies or property garnished.

SECTION 14. That the Judge of the Court shall make any and all necessary rules for the conduct of the Court and the officers thereof, for the filing and trying of cases, for the distribution and service of the processes of the Court and generally with respect to the duties of the various officers of the Court in their relations to the Court, the authority herein specifically granted not to be construed as limiting authority generally and usually exercised by Judges in making and enforcing rules of court.

SECTION 15. That each calendar month shall constitute a term of said Court, except that after five days from the rendition of a judgment in any cause the said judgment shall be beyond the jurisdiction and out of the power of the Court the same as if the term of the Court ended on said fifth day after the rendition of said judgment, but the Court shall have the power to set aside, vacate or modify its judgments upon motion

made within five days after the rendition of same, which said motion must be promptly determined. And the Court may be open for business and render default or other judgments at any time after nine o'clock in the morning of each day and all processes of the Court where no time is otherwise fixed shall be returnable at nine o'clock A. M. of the return day.

SECTION 16. That in cases of emergency the Judge of said Court may appoint a suitable person to act as special constable without bond except as hereinafter provided; and the person so appointed must perform the same duties and is liable to the same pains and penalties and is entitled to the same fees as regular constables; but such special constable is not authorized to act in any case where the amount in controversy is over one hundred dollars, nor to levy or collect executions, attachments or writs of detinue, unless prior to levying or collection of executions, attachments or writs of detinue he executes a bond in the sum of twice the amount of the property to be levied on payable to defendant as required of special constables appointed by Justices of the Peace, and with securities to be approved by the Clerk of the Court.

SECTION 17. That all cases in said Court shall be tried by the Judge of said Court without intervention of a jury, the Judge determining both the law and facts and any party shall have the right to appeal to the Circuit Court within five days from entry of judgment and on appeal either party may demand a trial by jury under the same rules as are provided by law for demand of jury trials in cases of appeal from judgments of Justices of the Peace and the trial in said Circuit Court shall be de novo and according to the same procedure as apply to appeals from judgments of Justices of the Peace.

SECTION 18. That appeals from judgments of said Court to the Circuit Court in cases of forcible entry and unlawful detainer shall be taken within the same time and in the same manner and upon the same conditions with respect to bonds and surety as are applicable to appeals in like cases from Justices of the Peace Courts.

SECTION 19. That any party desiring to appeal shall give bond with sureties to be approved by the Clerk conditioned to pay all costs which may be taxed against him in the Circuit Court. If the judgment appealed from is for the payment of money or for the recovery of personal property and the party appealing desires to have the judgment superseded, he shall give bond with securities to be approved by the Clerk and payable to the party or parties in whose favor the judgment was rendered and in such penalty as the Judge may prescribe conditioned to pay and satisfy such judgment and costs as may be awarded and taxed against him on the trial of the case in the Circuit Court.

All such bonds shall be filed with and approved by the Clerk within five days from the rendition of the judgment from which appeal is taken. This section shall not be applicable to judgments in forcible entry and unlawful detainer cases.

SECTION 20. Certioraris from judgments of this Court may be granted by Judges of the Circuit Court and trials de novo had in the Circuit Court for the same causes, and upon the same conditions and according to the same procedure as apply to statutory certioraris from judgments of justices of the peace, and all certificates and notices with respect to such certioraris shall be issued by the Clerk.

SECTION 21. That it shall be the duty of the County Commission or other like governing body of Jefferson County to provide a suitable place in the Courthouse for the holding of said Court and for the transaction of its business, and furnish all the books, stationery, papers and other office supplies as provided by law for the Circuit Court and that may be necessary for the operation and maintenance of said Court.

SECTION 22. The ex-officio Judge of this Court shall not be entitled to vacation or sick leave in addition to that provided for Bessemer Common Claims and Criminal Court Judge.

SECTION 23. That it shall be the duty of the Clerk to issue an execution on all judgments rendered in said Court after five days from the entry thereof and place the same in the hands of the Sheriff or other officer of the Court who shall return such execution within thirty days thereafter, said return to show that he has collected said judgment and paid the same or the amount collected, or is unable to find property of the person against whom said process issued out of which said execution can be satisfied in whole or in part.

SECTION 24. That if it shall appear to the Clerk that in any case where an execution has been returned unsatisfied as to the cost of said cause and in the opinion of the Clerk said cost can be collected by an alias execution the Clerk may issue such alias execution and may direct the Sheriff or Constable as to what property can be levied upon to satisfy said judgment.

SECTION 25. That when in any case execution against the defendant is returned "No property found" execution may issue against the plaintiff, in the name of the Clerk, for all costs created by him in obtaining his judgment or attempting to collect the same.

SECTION 26. Neither party to a suit in this Court as a matter of right may file interrogatories to be propounded to the opposite party, but for good cause shown, the Judge of this Court may allow such interrogatories to be propounded, in which case

the Judge shall fix the time in which they shall be answered and the said filing and answering of said interrogatories except as herein provided, shall be governed as far as applicable by practice and procedure of the Circuit Court, and the same costs shall be taxed and collected with respect to such interrogatories as is provided in the Circuit Court.

SECTION 27. That the Judge of this Court shall have the same powers and authority with respect to taxation, retaxation and apportionment of costs as are conferred upon Judges of the Circuit Court.

SECTION 28. Said ex-officio Judge and said Court have authority to grant writs of attachment and garnishment.

SECTION 29. That all laws both local and general in conflict with this Act are hereby repealed.

Approved November 18, 1959.

Time: 3:07 P. M.

Act No. 523

H. 1117—Hocklander, Reynolds (Chambers)

AN ACT

Relating to Mobile County: To amend further Section 3 of an Act approved June 28, 1940 (Act No. 594, H. 1044, Local Acts of Alabama, 1939, p. 355), entitled "An Act to place the Sheriff of Mobile County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies, clerks, guards, and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide for the necessary equipment and supplies for said officer," to provide further for the compensation of the chief clerk in the office of the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of an Act approved June 28, 1940 (Act No. 594, H. 1044, Local Acts of Alabama, 1939, p. 355), entitled "An Act to place the Sheriff of Mobile County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies, clerks, guards, and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerk, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures col-

lected by said officer; and to provide for the necessary equipment and supplies for said officer," as amended, is amended further to read as follows:

"Section 3. The Sheriff of Mobile County, Alabama, may, after the effective date of this act, employ the following assistants at the following rate of compensation, viz: One (1) chief deputy sheriff to receive six thousand four hundred dollars (\$6,400) per annum; one assistant chief deputy sheriff to receive five thousand four hundred dollars (\$5,400) per annum; not less than eight (8) civil and criminal deputy sheriffs to receive not less than fifteen hundred dollars (\$1,500) each per annum; one (1) civil and criminal deputy sheriff, who shall also act as bailiff of the Inferior Court of Mobile County, Alabama, to receive not less than fifteen hundred dollars (\$1,500) per annum; three (3) part-time deputy sheriffs to receive not less than six hundred dollars (\$600) each per annum; not less than four (4) jail guards to receive not less than fifteen hundred dollars (\$1,500) each per annum; one chief clerk to receive six thousand dollars (\$6,000) per annum; one (1) office employee to receive not less than eighteen hundred dollars (\$1,800) per annum; two (2) office employees to receive not less than fifteen hundred dollars (\$1,500) each per annum; one (1) office employee to receive not less than nine hundred dollars (\$900) per annum; one (1) jail matron to receive not less than one thousand dollars (\$1,000) per annum; one (1) kitchen steward to receive not less than nine hundred dollars (\$900) per annum. Each of the foregoing assistants shall receive their compensation in equal monthly installments upon warrants drawn in the same manner as other employees of Mobile County. The power and authority to fix the salaries of each and every assistant herein provided for above the minimum amounts named in this section is hereby conferred on the Personnel Board of the Civil Service System of Mobile County, Alabama; and all assistants affected hereby, except the chief deputy sheriff, the assistant chief deputy sheriff, and the chief clerk, shall be subject to all the terms and provisions of the Civil Service Act relating to Mobile County, said act having been passed at the 1939 Session and being House Bill No. 952 and having been approved September 15, 1939; provided, however, that the chief deputy sheriff, the assistant chief deputy sheriff, and the chief clerk, shall be qualified electors of Mobile County at the time of their appointment and during their continuance in office. The chief deputy sheriff, the assistant chief deputy sheriff, and the chief clerk shall each give bond in an amount to be determined by the Sheriff, such bond to be conditioned as prescribed by law. Nothing herein contained shall be construed as depriving the Personnel Board of the Civil Service System of Mobile County, Alabama, of authority to provide additional assistants for the Sheriff of Mobile County, Alabama."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 18, 1959.

Time: 3:08 P. M.

Act No. 524

H. 1111—Salter

AN ACT

To amend further Act No. 472, H. 956, approved September 15, 1939, an act regulating and defining the powers, duties, and authority of the county superintendent of education of Conecuh County (Local Acts 1939, p. 319), in relation to the compensation and expense allowance of the county superintendent of education; repealing Act No. 152, H. 402, approved June 30, 1953 (Acts of Alabama, 1953 Reg. Sess., vol. I, p. 192) and all conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 472, H. 956, approved September 15, 1939, an act regulating and defining the powers, duties, and authority of the county superintendent of education of Conecuh County (Local Acts of Alabama, 1939 Regular Session, p. 319), as amended, is amended further to read as follows:

"Section 5. The county superintendent of education shall receive an annual salary of not less than four thousand dollars, the exact amount of the salary to be fixed by the county board of education. Such salary shall be payable in equal monthly installments upon the order of the county board of education. In addition to his salary, the county superintendent of education shall also be provided a travel allowance of not less than six hundred dollars per annum, to be fixed by the county board of education, and paid in the manner prescribed by the board."

Section 2. Act No. 152, H. 402, approved June 30, 1953 (Acts of Alabama, 1953 Reg. Sess., vol. I, p. 192) and all other laws and parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 18, 1959.

Time: 3:09 P. M.

Act No. 525

H. 1110—Callahan, Ferguson

AN ACT

To provide for the appointment and tenure and number and fixing the compensation of Bailiffs for the Sixth Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That for the Sixth Judicial Circuit of Alabama, each Circuit Judge shall have the power and authority to appoint one Bailiff who shall receive a salary of Forty Five Hundred (\$4500.00) Dollars per annum and which salary shall be payable in twelve equal monthly installments out of the county treasury of the county composing such circuit upon warrant of the presiding officer of the governing body of such county. Each such Bailiff shall serve at the pleasure of the Judge so appointing him. The Bailiffs appointed by such Judges hereunder shall be in lieu of Bailiffs provided by any other law of Alabama.

Section 2. That all laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 3. That this act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 18, 1959.

Time: 3:10 P. M.

Act No. 526

H. 1108—Callahan, Ferguson

AN ACT

To fix the supplemental salaries of Circuit Solicitors in Judicial Circuits in Alabama composed of one county where the population of such county exceeds 94,000 people and is less than 134,000 people according to the last preceding or any succeeding decennial United States census to be paid out of the county treasury of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. That in all Judicial Circuits of Alabama composed of one county where the population of such county exceeds 94,000 people and is less than 134,000 people according to the last or any succeeding United States decennial census a supplemental salary of Fifteen hundred (\$1500) Dollars per annum shall be paid out of the county treasury of such county composing such circuit to the Circuit Solicitor of such Circuit in twelve equal installments as supplemental salary to that paid by the State of Alabama and that said supplemental salary shall begin at the beginning of the next term of such Circuit Solicitor in January, 1963.

Section 2. That all laws and parts of laws in conflict herewith be and they are hereby repealed.

Approved November 18, 1959.

Time: 3:11 P. M.

Act No. 527

H. 1107—Hearn

AN ACT

To provide that the County Board of Revenue and Control or its successors in office or other governing body of Marshall County shall, upon the passage and approval of this bill shall have the right, in its judgment, after investigation of the necessity therefor, in the Register's office in said County, to authorize the Register to employ some person who shall have the ability to take shorthand notes and transcribe the same, to work therein, take testimony, transcribe their notes and do any other thing that a Deputy Register could do under the law and to fix the salary of such person at not less than \$250.00 nor more than \$300.00 per month, to be paid to the Register for such services or to such person as the Register may appoint thereto. Said salary to be paid out of the General Fund of Marshall County.

Be It Enacted by the Legislature of Alabama:

Section 1. That on and after the passage and the approval of this Act the Board of Revenue and Control of Marshall County, Alabama, or its successors in office, or other like governing body, shall have the right after proper investigation of the necessity therefor, in the Register's Office in said County to authorize the Register to employ some person who shall have the ability to take shorthand notes and transcribe the same, to work therein, take testimony, transcribe their notes and do any other thing that a Deputy Register could do under the law, and to fix the salary of such person at not less than \$250.00 nor more than \$300.00 per month to be paid to the Register for such services or to such person as the Register may appoint thereto. Said salary to be paid out of the General Fund of Marshall County.

Approved November 18, 1959.

Time: 3:12 P. M.

Act No. 528

H. 1097—Locke, Edwards, Hawkins, Perry,
Rast, Sessions, Morrow

AN ACT

To provide that any city which may now or hereafter have a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census and which may now or hereafter have in force and effect a comprehensive zoning ordinance shall provide for the appointment of a Zoning Board of Adjustment; and to prescribe the power, jurisdiction and authority of such Board.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of any city which may now or hereafter have a population of three hundred thousand inhabitants or more, according to the last or any subsequent federal census and which may now or hereafter have in force and effect a comprehensive zoning ordinance shall provide for the

appointment of a Zoning Board of Adjustment and in the zoning regulations and restrictions adopted by such city pursuant to the authority of the laws of this state, provide that such Board of Adjustment shall, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the zoning ordinance of such city in harmony with its general purpose and intent, and in accordance with general or specific rules therein contained. Such Board of Adjustment shall consist of five members, each to be appointed by the governing body of such city, and each shall hold office for a term of five years or until such time as his successor shall be appointed and qualify, except that the respective terms of the five members first appointed shall be for one, two, three, four and five years; provided, members may after a public hearing, be removed for cause by the governing body of the city. Such Board of Adjustment shall adopt rules in accordance with the provisions of the zoning ordinance adopted by such city. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence the acting-chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. Such board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. Appeals to the Zoning Board of Adjustment may be taken by any person aggrieved, or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer or such other officer as is charged with the enforcement of the zoning ordinance of the city. Such appeal shall be taken within a reasonable time as provided by the rules of the board by filing with the officer from whom the appeal is taken and with the Zoning Board of Adjustment a notice of appeal specifying the ground thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Zoning Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such cases proceedings shall not be stayed otherwise than by restraining order which may be granted by the Zoning Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown. The Zoning Board of Adjustment shall fix a reasonable time for the hearing of

the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. The Zoning Board of Adjustment shall have the following powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance of the city. To hear and decide special exceptions to the terms of the zoning ordinance of the city upon which such board is required to pass under such ordinance. To authorize upon appeal in specific cases such variance from the terms of the zoning ordinance of the city as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done, provided, however, that no variance shall be granted under the provisions of this act to allow a structure or use in a district restricted against such structure or use, except as specifically provided for by the zoning ordinance. In exercising the above mentioned powers, such board may, in conformity with the provisions of this act, reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or such other officer as is charged with the enforcement of the zoning ordinance of the city, or to decide in favor of the applicant or any matter upon which it is required to pass under any ordinance of the city or to effect any variation in any such ordinance. The Zoning Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portion thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

Section 2. This act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved November 19, 1959.
Time: 8:00 A. M.

AN ACT

To apply to all counties in the State of Alabama having a population of 500,000 persons or more according to the last or any subsequent federal census, to provide that the governing body of each such county shall have authority to purchase, acquire and maintain one unmarked or undesignated passenger automobile for official use, said car to be serviced by the county and to provide for the payment and expenses of its upkeep.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to all counties in the State of Alabama having a population of 500,000 inhabitants or more according to the last or any subsequent federal census.

Section 2. The governing body of each county subject to the provisions of this Act may purchase, maintain and have for their use or official business one unmarked car. The official certificate or resolution of the county commission shall be sufficient authority for the purchasing agent of the county to purchase such automobile and to the treasurer of the county to pay for said car and for the payment of all expenses of its upkeep. The car shall not be marked and may be used by any official or employee of the county designated by the county commission on official business. This car shall be in addition to any other cars now authorized to be purchased, operated and maintained.

Section 3. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the governor or its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:01 A. M.

Act No. 530

H. 1096—Morrow, Locke, Perry, Sessions,
Hawkins, Edwards, Rast

AN ACT

To provide for and require the reidentification of each qualified elector in all counties in the State having a population of 500,000 or more according to the last or any subsequent Federal census, in 1961, 1971 and in each tenth year thereafter; and to require the Board of Registrars in any such county to take the necessary action to purge the lists of the qualified electors in any such county and to authorize the employment of investigators to assist in purging such lists; and to provide that any person making a wilfully false statement in connection with his reidentification shall be guilty of perjury.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Registrars in each county in the State of Alabama having a population of 500,000 or more ac-

ording to the last or any subsequent Federal Census is hereby directed to purge all lists of the qualified electors in such county to the end that the names of all who are deceased or non-residents of such county or have otherwise become disqualified from voting therein shall be removed from such lists and to the end that the name of each qualified elector shall appear only on the list of qualified electors for the district and precinct in which he resides.

Section 2. The Board of Registrars in each such county shall have authority to omit and remove from the list of qualified electors in each such county the name of any person who fails to reidentify himself to the Board of Registrars in one of the ways hereinafter provided during each of the years 1961, 1971 and each tenth year thereafter. Provided, that no person who has registered as a qualified elector of such county during 1961 or during 1971 or during any tenth year thereafter shall be required so to reidentify himself during such year in which he originally registered. A person whose name shall be removed from the list of qualified electors as herein provided does not cease to be a qualified elector and shall not be subject to re-registration but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being entitled to be listed on the list of qualified electors in such county.

Section 3. A voter may reidentify himself in any one of the following ways: (a) He may reidentify himself by appearing in person at the office of the Board of Registrars and answering such questions and submitting such proof as may reasonably be required by the Board of Registrars or one of its duly authorized employees to establish his identity and place of legal residence and that he has not become disqualified from voting in such county. (b) He may reidentify himself by filling in and mailing to the office of the Board of Registrars the completed answers to such questions as may reasonably be propounded and mailed to him in a written questionnaire by the Board of Registrars. Such questionnaire may contain such questions as are reasonably necessary to establish the identity of the person signing such questionnaire, the place of his legal residence, and that he has not become disqualified from voting in such county. All answers to such questionnaires shall be signed by the elector in the presence of at least two witnesses who are qualified electors of such county and who shall sign his answers as attesting witnesses. (c) He may reidentify himself at any election at which he votes during 1961 or 1971 (or any tenth year thereafter), by filling out and signing answers to the questionnaire prepared by the Board of Registrars in the presence of a clerk, manager, or returning officer at such election. Such clerk, manager or returning officer shall sign the answers of such voter as an attesting witness. The returning officer

shall transmit all such filled in and signed answers to questionnaires to such Board of Registrars.

Section 4. The Board of Registrars in each such county shall furnish a sufficient number of questionnaires to the sheriff or party executive committee or other officer or agency or committee charged with the duty of sending out election supplies for each election held in 1961 and for each election held in 1971 or in any tenth year thereafter. The sheriff, party executive committee or other officer or agency or committee shall cause a sufficient number of questionnaires to be sent to each voting place at each election to be held during 1961 or 1971 or any tenth year thereafter.

Section 5. Any qualified elector in any such county whose name shall be omitted or removed from the list of qualified electors in such county by reason of his failure to reidentify himself as hereinabove provided or who shall be otherwise purged from such list shall be entitled to have his name restored to the list of qualified electors by reidentifying himself in one of the ways provided in Section 3 of this Act.

Section 6. The Board of Registrars in each such county shall meet as often as necessary and on such dates as such board may by order fix for the purpose of purging the list of qualified electors of such county. Such board may meet any number of days not exceeding thirty-five (35) in excess of the maximum now provided by law for the purpose of purging such lists, and shall be entitled to the same per diem allowance, for meeting on such dates in excess of the maximum as now provided by law for other meeting dates.

Section 7. Subject to the approval of the Court of County Commissioners, County Commission, Board of Revenue, or other governing body of such county, the Board of Registrars shall have authority to employ such investigators as may be necessary to enable them to purge the voting list. Any such employees shall be subject to the provisions of any merit system or civil service law which may be applicable to such county.

Section 8. It shall be the duty of the Board of Registrars in any such county to notify each person whose name shall be removed from the list of qualified electors, whether by purging or for failure of such elector to reidentify himself as herein provided, by first class mail or postal card addressed to his last known address as shown by the records of such Board.

Section 9. Any person who makes a wilfully false statement in answer to any question on a reidentification questionnaire or in response to reidentification questions put to him by the Board of Registrars or any of its employees shall be guilty of perjury and upon conviction, shall be punished by imprisonment

in the penitentiary for not less than one year nor more than five years.

Section 10. The reidentification of voters shall begin January 2, 1961, and close December 31, 1961, shall begin again January 2, 1971 and close December 31, 1971, and shall again open and close at the beginning and ending of each tenth year thereafter.

Section 11. The provisions of this Act are severable. If any section, provision or clause shall be held illegal, invalid or unconstitutional by a court of competent jurisdiction, the remaining sections, provisions and clauses shall nevertheless stand and be construed as if the illegal, unconstitutional or invalid provision had not been included herein.

Section 12. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved November 19, 1959.

Time: 8:02 A. M.

Act No. 531

H. 1094—Morrow, Perry, Sessions,
Edwards, Hawkins, Rast

AN ACT

To vacate the following described land dedicated or conveyed for a park and to vacate all public interests therein and rights thereto: A strip of land of indefinite width lying Southwesterly of and adjacent to Crestview Subdivision, which subdivision is located in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 4, Township 19 South, Range 3 West and the NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 9, Township 19 South, Range 3 West, and recorded in Deed Book 1241, Page 294, in the Probate Court, Birmingham, Alabama and Bessemer, Alabama. Excepted from the above is a strip of right of way lying west of, parallel to and abutting the west line of said subdivision.

Be It Enacted by the Legislature of Alabama:

Section 1. The following described property previously dedicated as a park and all public interests therein and rights thereto are hereby vacated: A strip of land of indefinite width lying southwesterly of and adjacent to Crestview Subdivision, which subdivision is located in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 4, Township 19 South, Range 3 West and the NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 9, Township 19 South, Range 3 West, and recorded in Deed Book 1241, Page 294, in the Probate Court, Birmingham, Alabama. Excepted from the above is a strip of right of way lying west of, parallel to and abutting the west line of said subdivision.

Section 2. There has been doubt and uncertainty as to what, if any, public rights or benefits could accrue from a purported dedication of the above property for public park purposes and

it is the purpose and intention of this act to enact and it is hereby enacted that all such public rights which may exist by dedication, use or otherwise shall forever cease and that all rights of the public in or to said lands described in Section 1 above be and the same hereby relinquished and abandoned.

Section 3. This act shall become effective upon its passage and signature by the Governor or its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:03 A. M.

Act No. 532

H. 1093—Perry, Sessions, Morrow,
Locke, Hawkins, Rast,
Edwards

AN ACT

To apply to counties having a population of 500,000 or more according to the last or any subsequent federal census; to provide for a study of judicial practice and procedure and court operation in such counties; to establish and provide for the composition of a "Commission for Judicial Study"; to state the powers, authority and duties of such commission; and to provide for the financing of the work of the commission.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to all counties of the State of Alabama having a population of 500,000 or more according to the last or any subsequent Federal census.

Section 2. There is hereby created in each such county, subject to the provisions of this Act, a "Commission for Judicial Study" (hereinafter at times called the "commission"), which shall exist for the time and shall have the powers, duties and authority herein stated.

Section 3. The commission shall have three members who shall be selected as follows: One member shall be selected by the state Senator and members of the House of Representatives from such county; one member shall be selected by the governing body of such county; and one member shall be the president of the bar association of each of the two largest cities within the county, or a person designated by him with the approval of the executive committee of such bar association. Any vacancy shall be filled by the persons selecting the original incumbent. All members, except the presidents of the bar associations of such county, or persons designated by them, shall be laymen and residents of the county. No person holding public office and no attorney practicing law in such county, except the presidents of the bar associations of such county, or the persons designated by them, shall be qualified to serve, if appointed. The members of such commission shall serve without pay or other remuneration.

Within ten (10) days after the effective date of this Act, the state Senator and members of the House of Representatives of such county shall meet at a time and place designated by the state Senator, and shall select the initial member of the commission to be selected by them. Within ten (10) days after the effective date of this Act, the county governing body of such county shall select the member of such commission to be selected by them. The President of the Bar Association of such county shall call a meeting of the members of the commission so selected within ten (10) days after the appointment of the other members of such commission. The governing body of such counties and the state Senator of such counties shall promptly notify the president of the bar association of such counties of the names of the persons selected by them. At its first meeting the commission shall select one of its number as Chairman of the Commission. The organizational meeting of the commission shall be held within thirty (30) days after the effective date of this Act. A majority of the commission shall constitute a quorum, and the commission shall act only upon a vote of a majority of the existing members.

Section 4. The commission shall have the authority to employ such professional or experienced agency, advisers or consultants as it may determine, and to compensate them out of funds available to the commission in amounts fixed by the commission, but subject to the approval of the county governing body of such counties as to amounts and expenditures.

Section 5. The commission is authorized and directed to select and employ or retain an impartial agency, advisers or consultants to make a study of the practice and procedure of the courts in such counties, including, without limitation, the form, manner and order of conducting and assigning cases, court organization, rules of procedure, dispatch of business and any and all other matters that might in any way be calculated to contribute toward expediting judicial procedure and trials in such counties. Such study may include, within the discretion of such agency, adviser or consultant, plans or programs for the future and anticipated needs for additional courts, the consolidation of existing courts, the realignment of existing courts, or the assignment of cases or judges among the various courts.

Section 6. The clerks of all of the courts in such counties and the registers in chancery must furnish to such agency, advisers or consultants, so employed, without charge, such statistics and other information from their records as the agency, adviser or consultant shall request. The governing body of such county shall furnish to the agency, advisers or consultants in the county court house quarters and other facilities reasonably required in the exercise of its function, but not including stenographic or clerical help.

Section 7. Total expenditures made by the commission shall be limited to a sum not to exceed ten thousand dollars (\$10,000), which shall be provided by the county governing body of such county and be payable from its general or fine and forfeiture fund, as the governing body of such county may determine. The commission is authorized to solicit and receive funds from private foundations or other private contributors. Any sums so received shall be first applied against the expenses of the study and report contemplated by this Act. The commission is authorized and empowered to enter into a contract with an agency, advisers or consultants as herein provided and to bill the county governing body for the cost of same, not to exceed the amount provided in this Act, which amount, as provided, is subject to the prior approval of the county governing body.

Section 8. Any agency, advisers or consultants so employed by the commission shall file an official copy of their investigation, report and recommendations with copies to (1) the state Senator and each member of the House of Representatives from such county; (2) to each member of the governing body of such county; (3) to each clerk, register and judge of each court of record in such county; (4) three (3) copies to the public library of the largest municipality of such county; (5) one (1) copy to each member of the commission.

Section 9. Upon the filing of such reports and the completion of the work herein provided, and in no event later than two (2) years from the effective date of this Act, said commission shall terminate and be dissolved.

Section 10. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 11. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:04 A. M.

Act No. 533

H. 1086—Grant, Daniel

AN ACT

To empower the county board of education of Marengo County to authorize the use of school buses for transporting persons to and from certain educational, civic and recreational functions, meetings, gatherings or encampments.

Be It Enacted by the Legislature of Alabama:

Section 1. The county board of education of Marengo County may authorize the use of county school buses for the purpose of

transporting persons to and from any encampment or educational, recreational, or civic function held, sponsored, or conducted by any farm demonstration or farm life club in the county whenever such use will not interfere with the principal use of such school buses; and may make such reasonable charge for the use of such school buses as in its opinion is necessary to reimburse the school funds for all necessary costs and expenses incurred by reason of such use. Whenever the board of education authorizes the use of school buses for any of the purposes enumerated herein, such buses shall be used only for the specific purpose which the board authorized and in strict conformity to any regulations or stipulations relative to such use as may be prescribed by the board.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.
Time: 8:05 A. M.

Act No. 534

H. 1084—Gordon

AN ACT

Providing for the appointment of a Clerk or secretarial assistant for the County Solicitor of Blount County, and for the payment of the compensation of such clerk or assistant from the County Treasury; and making this Act effective upon the approval of the voters of the County voting at a referendum.

Be It Enacted by the Legislature of Alabama:

Sec. 1. The County Solicitor of Blount County may appoint a clerk or secretarial assistant to serve at his pleasure. The Compensation of such clerk or assistant shall be twelve hundred dollars, (\$1200.00), per annum, and shall be paid in equal monthly installments from the county treasury.

Sec. 2. The provisions of this Act shall become operative only if approved by a majority of the qualified electors of Blount County, voting in a referendum to be held on the date of the first county-wide primary, general, or special election held after the passage of this Act. The governing body of Blount County shall order and provide for the holding of the referendum on such date. On the ballots to be used at the election the question shall be stated substantially as follows:

"Shall the provision of Act. No. _____ of the 1959 Regular Session of the Legislature, which fixes the compensation of a clerk for the County Solicitor of Blount County, be adopted? Yes () No ()."

If a majority of the votes cast in the election are "Yes", the provisions of this Act shall become effective immediately. If the majority of "No", this Act shall have no effect. The Judge of Probate of Blount County shall certify the results of the election to the Secretary of State within 30 days after the returns thereof are canvassed.

Approved November 19, 1959.

Time: 8:07 A. M.

Act No. 535

H. 1085—Guthrie

AN ACT

To alter, rearrange, and extend the boundary line of the City of Cullman, in Cullman County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the corporate limits of the City of Cullman, Cullman County, Alabama, be changed and extended to include the following territory:

Begin at the southeast corner of Section 21, Township 10 South, Range 3 West; thence West along the section line to the Southwest corner of the Southwest quarter-Southeast quarter of the said section; thence North along the half-section line to the Northwest corner of the Northwest quarter-Southeast quarter of the said section; thence West along the half-section line to the Southwest corner of the Southeast quarter-Northwest quarter of the said section; thence North along the quarter-section line to the Northwest corner of the Northeast quarter-Northwest quarter of the said section; thence West along the section line to the Northwest corner of the said section; thence North along the section line to the Northeast corner of the Southeast quarter-Southeast quarter of Section 8; thence West along the quarter-section line to the Southwest corner of the Southeast Quarter-Northeast Quarter-Southeast Quarter; thence North along the 20 acre line to a point on the North line of Section 8; thence East along the section line to the East right-of-way line of Alabama State Highway No. 157; thence in a Northwestwardly direction along the said right-of-way line to the South line of the County Road approximately 600 feet South of the North line of Section 5; thence in a Northeastwardly direction along the South line of the said County Road to a point on the North line of Section 5; thence East along the section line to the Northeast corner of the said

Section 5, Township 10 South, Range 3 West; thence North along the section line to the Northwest corner of the Southwest Quarter-Northwest quarter of Section 33, Township 9 South Range 3 West; thence East along the quarter-section line to a point on the West right-of-way line of U. S. Highway No. 31; thence southwardly along the said right-of-way line to a point on the south line of Section 33, Township 9 South Range 3 West; thence East along the Township line to the Northeast corner of Section 4, Township 10 South, Range 3 West; thence South along the section-line 1950 feet; thence at right angles East 500 feet; thence at right angles South 500 feet; thence at right angles West 500 feet to a point on the section line; thence South along the section line to the southeast corner of Section 4; thence East along the section line to the East right-of-way line of the Cullman-Eva Road; thence northeastwardly along the said right-of-way line to Bridge Creek; thence Southeastwardly along Bridge Creek to the West line of the Southeast Quarter-Southeast quarter of Section 3; thence North along the quarter section line to Northwest corner of the Southwest Quarter-Northeast Quarter-Southeast Quarter of Section 3; thence East along the 20 acre line to the East line of the Northeast quarter-Southeast quarter of Section 3; thence South along Section line to the Southeast corner of Section 3; thence East along the section line to a point 200 feet East of the Northeast corner of the Northwest quarter-Northwest Quarter of Section 12; thence South and parallel to the quarter-section line to the South line of Section 12; thence West along the section line to the West bank of Eight Mile Creek; thence southeastwardly along the West bank of Eight Mile Creek to the East line of Section 14; thence South along the section line to the Southeast corner of Section 14; thence West along the section line to the Northwest corner of the Northwest quarter-Northeast quarter of Section 23; thence South along the half-section line to the Southeast corner of the Southeast quarter-Southwest quarter of Section 23; thence West along the section line to the West right-of-way line of the Old Hanceville Highway; thence Southeastwardly along the said right-of-way line to the South line of the Southeast quarter-Northwest quarter of Section 26; thence West along the half section line to the East line of U. S. Highway No. 31; thence in a northwesterly direction along the East right-of-way line of said Highway to the South line of the Northeast Quarter of the Northeast Quarter of Section 27, thence East to the West line of Section 27; thence North along the section line to the Southeast corner of Section 21, Township 10 South, Range 3 West, and the point of beginning.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 3. This act shall become effective immediately upon

its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:08 A. M.

Act No. 536

H. 1080—Salter

AN ACT

To provide for special meetings of the boards of education of all counties having a population of not less than 21,000 nor more than 22,000, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 21,000 nor more than 22,000, according to the most recent federal decennial census, the county board of education may meet in special session for not more than twelve days each year in addition to the meetings provided for by general, special, or local laws; and the members of such board shall be entitled to their regular per diem and expenses for attending such special meetings, to be paid in like manner as provided for the payment of their compensation and expenses for attending regular meetings.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:09 A. M.

Act No. 537

H. 224—Turnham

AN ACT

To amend further Section 104 of Title 51, Code of Alabama 1940, in relation to the meetings of boards of equalization to review assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 104 of Title 51, Code of Alabama 1940, as amended, is amended further to read as follows:

"Section 104. When the assessor shall have completed the assessment, valuation and equalization work in his county, as provided by law, he shall notify each member of the board of equalization, if such board is not required by law to serve full

time, and such board shall meet on the second Monday in February, or at such other date prior thereto as may be made possible by the completion of the work of the tax assessor, and sit at the court house of the county, from day to day, until their duties are completed or their allotted number of days exhausted, and shall review, revise, correct and fix the assessment values made by the tax assessor by raising or lowering the assessment of any person, partnership, corporation or association, except such assessments as have been approved by the department of revenue, as to any or all of the items of his assessment, in such manner as to secure the assessment of property at sixty (60) per cent of its fair and reasonable market value. The majority of a board of equalization shall govern in fixing the value for assessment of all property before them for determination."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:19 A. M.

Act No. 538

H. 813—Hanby, Copeland

AN ACT

To validate certain elections held in the year 1958 under the provisions of Articles 6 and 7, Chapter 10, Title 52, Code of Alabama (1940), and Section 216, Article 11, Constitution of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. All elections held in the year 1958, in any county, city, or special school district, under the provisions of Articles 6 and 7, Chapter 10, Title 52, Code of Alabama (1940), as amended, and Section 216, Article 11, Constitution of Alabama, or under any other law or provision of the Constitution of Alabama, for the purpose of extending special school district taxes for school purposes, which resulted in a majority of the votes cast being in favor of extending said special taxes, but were irregular in some details, as to time of opening and closing polls, use of voting machines, or by reason of any other irregularity, are hereby validated, ratified, and confirmed and shall be given effect in all respects as if all provisions of law relating to such elections had been duly and legally complied with; and the said taxes may be levied and collected accordingly.

Section 2. This act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:25 A. M.

Act No. 539

H. 302—Camp, Nichols

AN ACT

To make an appropriation for the relief of Leroy Lackey Company, Inc.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$27,951.00 is hereby appropriated out of any funds in the State Treasury to the credit of the State Highway Department for the relief of Leroy Lackey Company, Inc. as compensation for the work done on the construction of Highway Project S-522 (2) which work was received and accepted by the State Highway Department and for which State Highway Department has made no payment.

Section 2. The State Comptroller is hereby authorized and directed to issue warrant on the State Treasurer in favor of Leroy Lackey Company, Inc. for the amount appropriated herein.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 9:01 A. M.

Act No. 540

S. J. R. 41—Robison

SENATE JOINT RESOLUTION

BE IT RESOLVED By the Senate, the House of Representatives concurring, that the Secretary of the Senate and the Clerk of the House each be allowed the Enrolling and Engrossing Clerks and twelve assistants for six weeks in addition to that provided in the Code to assist in checking the Journals and other records of the Senate and House for delivery to the Secretary of State.

Approved November 19, 1959.

Time: 3:06 P. M.

Act No. 541

H. 521—Ashworth

AN ACT

To designate certain space on the second floor of the Capitol for the use of the Legislature and the Committees, members, officers and employees thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other space heretofore designated for the use of the Legislature, the House of Representatives

shall have the use of all offices, rooms, corridors, lavatories and other usable space located on the second floor in the South wing of the Capitol; the Senate shall have the use of all offices, rooms, corridors, lavatories and other usable space located on the second floor in the north wing of the Capitol; all of said space for the use of the Legislature, the Committees, members, officers and employees thereof. The Clerk of the House shall have and exercise custody, control and care of the space herein designated for the use of the House of Representatives and the Secretary of the Senate shall have and exercise custody, control and care of the space herein designated for the use of the Senate.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 2:31 P. M.

Act No. 542

S. 282—Dumas, deGraffenried

AN ACT

Relating to securities; prohibiting fraudulent practices in relation thereto; requiring the registration of securities dealers and salesmen and making unlawful the activities of unregistered securities dealers and salesmen; establishing the conditions precedent and concurrent to such registration; prohibiting the offer or sale of any unregistered security; requiring the registration of securities; and establishing the conditions precedent and concurrent to such registration; establishing the fees in connection with the registration of securities, securities dealers, and securities salesmen; setting out the grounds upon which a registration of securities may be denied, suspended, or revoked; defining certain terms as used in this Act; exempting certain securities from registration under the provisions of this Act; exempting certain transactions from certain provisions of this Act; requiring the filing of a consent to service of process by securities dealers and salesmen and certain issuers; making it unlawful to file any false document or material and providing the punishment therefor; giving to the Securities Commissioner authority to investigate and subpoena witnesses and records in connection with investigations; granting authority for an examination fee and deposit to defray the expense of any investigation of an applicant under this Act; giving to the Securities Commissioner authority to enjoin acts in violation of this Act; creating criminal penalties for violations of this Act; establishing civil liabilities for the violation of the provisions of this Act; providing for judicial review of the orders of the Securities Commissioner; providing for the administration of this Act by the Securities Commissioner; directing said Commissioner to appoint an Assistant Commissioner and giving said Commissioner authority to appoint other personnel to carry out the purpose and intent of this Act; providing that any exemption under this Act must be proved by the person claiming said exemption; making the provisions of this Act severable; repealing the present Alabama Securities Law and related legislation; giving to the Commissioner authority to issue warnings to the public with respect to securities; making the sale of securities by an insolvent issuer unlawful; providing that all filing and registration fees shall be paid into the General Fund of this state and establishing the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. FRAUDULENT AND OTHER PROHIBITED PRACTICES.

(A) It is unlawful for any person, in connection with the offer, sale or purchase of any security, directly or indirectly

(1) to employ any device, scheme, or artifice to defraud,

(2) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, or

(3) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

Section 2. REGISTRATION OF DEALERS AND SALESMEN

(A) It is unlawful for any person to transact business in this state as a dealer or salesman unless he is registered under this act. It is unlawful for any dealer or issuer to employ a salesman unless the salesman is registered.

(B) A dealer or salesman may apply for registration by filing with the Commissioner an application, together with a consent to service of process pursuant to section 12 and payment of the fee prescribed in subsection (F). Registration of a dealer automatically constitutes registration of all partners or executive officers of such dealer as salesmen (except any partner or executive officer whose registration as a salesman is denied, suspended, or revoked under subsection (H)) without the filing of applications for registration as salesmen or the payment of fees for registration as salesmen. The application shall contain whatever information the Commissioner requires concerning such matters as:

(1) the applicant's form and place of organization;

(2) the applicant's proposed method of doing business;

(3) the qualifications and business history of the applicant and in the case of a dealer, any partner, officer, or director;

(4) any injunction or administrative order or conviction of a misdemeanor involving moral turpitude, a security or any aspect of the securities business, any conviction of a felony; and

(5) the applicant's financial condition and history.

(C) Before any dealer registration shall be effective under this act, such dealer shall enter into a bond of not less than \$10,000, which said bond shall be payable to the State of Alabama and shall be executed by the dealer and a corporation

qualified to do business as a surety company in the State of Alabama and shall be filed with the Commissioner. Said bond shall be in such form as the Commissioner shall from time to time designate and shall be conditioned upon the faithful accounting of all moneys and securities of another and for the payment of any judgment rendered by a court of competent jurisdiction against such dealer or agent of such dealer, one or both, in any action at law or suit in equity in Alabama based upon fraud or misrepresentation in the sale in Alabama of any security. Any original purchaser of securities from or through any such registered dealer or other person damaged by any breach in the conditions of said bond shall have a right of action upon said bond for the damages suffered thereby. No suit may be maintained to enforce any liability under the bond unless brought within two years after the sale or other action upon which such suit is based. One or more recoveries upon such bond shall not vitiate the same, but the aggregate amount of such recoveries thereon shall not exceed the amount of such bond. Any recovery on such bond shall be sufficient cause for cancelling or revoking such dealer's registration. Provided, however, that no such bond shall be filed as a prerequisite to registration by a dealer whose net worth exceeds \$25,000. In computing net worth for the purpose of determining whether a bond shall be required, the Commissioner shall consider as assets of the dealer only cash, customer and dealer debit balances and securities at 80% of market value; all liabilities of the dealer shall be considered in such computation. For the purpose of determining the market value of the securities of a dealer applicant under this section, the Commissioner may appoint three registered securities dealers, or representatives thereof, to make an appraisal of such securities.

(D) If no denial order is in effect and no proceeding is pending under subsection (H), registration becomes effective at noon of the thirtieth day after an application is filed. The Commissioner may specify an earlier effective date and he may by order defer the effective date until noon of the thirtieth day after the filing of any amendment. The Commissioner shall require as conditions of registration:

(1) that for all registrations granted after the effective date of this Act, the applicant (and, in the case of a corporation or partnership, the officers, or partners) pass a written examination as evidence of knowledge of the securities business; the Commissioner shall accept in lieu of any examination given by him the examination given by the National Association of Securities Dealers; for those applicants who do not also apply for membership in the National Association of Securities Dealers, the Commissioner shall prepare and give an examination at intervals not more frequent than bi-weekly; for the purpose of as-

sisting in the preparation and the grading of this examination, the Commissioner shall appoint three representatives from the securities industry, one to serve for three years, one to serve two years and one to serve one year; the members of such board shall serve for the aforementioned periods or until their successors have been appointed. All subsequent appointments shall be for three year terms. Vacancies occurring from death, resignation, or other reason shall be filled by appointment by the Commissioner for the unexpired term. Where examinations contemplated by this subsection are given by the Commissioner, the applicants and in the case of corporations or partnerships each officer or partner shall pay an examination fee of \$10 which shall be deposited in the Securities Commissioner's investigation and examination fund; the proceeds from such examination fees shall be used to defray the actual cost of preparing, giving and grading such examinations;

(2) that a dealer have a minimum capital, but the Commissioner shall not require capital in excess of \$25,000.

Registration of a dealer or salesman shall be effective until January 1 of the following year and may be renewed as hereinafter provided. The registration of a salesman is not effective during any period when he is not associated with an issuer or a registered dealer specified in his application or a notice filed with the Commissioner. When a salesman begins or terminates a connection with an issuer or registered dealer, the salesman and the issuer or dealer shall promptly notify the Commissioner.

(E) Registration of a dealer or salesman may be renewed by filing with the Commissioner prior to the expiration thereof an application containing such information as the Commissioner may require to indicate any material change in the information contained in the original application or any renewal application for registration as a dealer or salesman filed with the Commissioner by the applicant, payment of the prescribed fee and, in the case of a dealer, a dealer's bond as provided in subsection (C) if the financial condition of the dealer requires such bond. In order to continue the effectiveness of registration and to entitle the dealer to a renewal thereof, such dealer must file a financial statement prepared in accordance with standard accounting practice and certified by an independent certified public accountant showing the financial condition of such dealer at the close of the dealer's fiscal period; said statement must be filed with the Commissioner within forty-five days after the close of the dealer's fiscal period unless an extension of time is granted by the Commissioner; the Commissioner shall accept for filing a financial statement in the form required to be filed with the Securities and Exchange Commission from those dealers who are registered therewith. A registered dealer may file an ap-

plication for registration of a successor, whether or not the successor is then in existence, for the unexpired portion of the year without payment of any fee.

(F) The fee for initial or renewal registration shall be \$50 for a dealer, and \$15 for a salesman. When an application is denied or withdrawn the Commissioner shall retain 50% of the fee.

(G) Every registered dealer shall make and keep such accounts and other records, except with respect to securities exempt under subsection 10(A), as the Commissioner prescribes. All records so required shall be preserved for three years unless the Commissioner prescribes otherwise for particular types of records. All the records of a registered dealer are subject at any time or from time to time to such reasonable periodic, special, or other examinations by representatives of the Commissioner, within or without this state, as the Commissioner deems necessary or appropriate in the public interest or for the protection of investors.

(H) The Commissioner may by order deny, suspend, or revoke registration of any dealer or salesman if he finds that the order is in the public interest and that the applicant or registrant or, in the case of a dealer, any partner, officer, or director:

(1) has filed an application for registration under this section which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in the light of the circumstances under which it was made, false or misleading with respect to any material fact;

(2) has wilfully violated or wilfully failed to comply with any provision of this act or a predecessor act or any rule or order under this act or a predecessor act;

(3) has been convicted of any misdemeanor involving moral turpitude, a security or any aspect of the securities business, or any felony;

(4) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities business;

(5) is the subject of an order of the Commissioner denying, suspending, or revoking registration as a dealer, or salesman;

(6) is the subject of an order entered within the past ten years by the securities administrator of any other state or by the Securities and Exchange Commission denying or revoking registration as a dealer or salesman, or the substantial equivalent

of those terms as defined in this act, or is the subject of an order of the Securities and Exchange Commission suspending or expelling him from a national securities exchange or national securities association registered under the Securities Exchange Act of 1934, or is the subject of a United States Post Office fraud order; but (i) the Commissioner may not institute a revocation or suspension proceeding under this clause more than two years from the date of the order relied on, and (ii) he may not enter any order under this clause on the basis of an order unless that order was based on facts which would currently constitute a ground for an order under this section;

(7) has engaged in dishonest or unethical practices in the securities business;

(8) is insolvent, either in the sense that his liabilities exceed his assets or in the sense that he cannot meet his obligations as they mature; but the Commissioner may not enter an order against a dealer under this clause without a finding of insolvency as to the dealer; or

(9) has not complied with a condition imposed by the Commissioner under subsection (D), or is not qualified on the basis of such factors as training, experience, or knowledge of the securities business; or

(10) has failed to pay the proper filing fee; but the Commissioner may enter only a denial order under this clause, and he shall vacate any such order when the deficiency has been corrected.

The Commissioner may not institute a suspension or revocation proceeding on the basis of a fact or transaction known to him when registration became effective. The Commissioner may by order summarily postpone or suspend registration pending final determination of any proceeding under this subsection. Upon the entry of the order, the Commissioner shall promptly notify the applicant or registrant, as well as the employer or prospective employer if the applicant or registrant is a salesman, that it has been entered and of the reasons therefor and that within fifteen days after the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the Commissioner, the order will remain in effect until it is modified or vacated by the Commissioner. If a hearing is requested or ordered, the Commissioner, after notice of and opportunity for hearing, may modify or vacate the order or extend it until final determination. No order may be entered under this section denying or revoking registration without appropriate prior notice to the applicant or registrant (as well as the employer or prospective employer if the applicant

or registrant is a salesman), opportunity for hearing, and written findings of fact and conclusions of law.

(I) If the Commissioner finds that any registrant or applicant for registration is no longer in existence or has ceased to do business as a dealer or salesman, or is subject to an adjudication of mental incompetence or to the control of a committee, conservator, or guardian, or cannot be located after reasonable search, the Commissioner may by order cancel the registration or application.

Section 3. REGISTRATION OF SECURITIES

It is unlawful for any person to offer or sell any security in this state unless (1) it is registered under this act or (2) the security is exempt from registration under section 10, or the transaction is exempt under section 11.

Section 4. REGISTRATION BY NOTIFICATION

(A) The following securities may be registered by notification, whether or not they are also eligible for registration by coordination under section 5.

(1) any security whose issuer and any predecessors have been in continuous operation for at least five years if:

(a) there has been no default during the current fiscal year or within the three preceding fiscal years in the payment of principal, interest, or dividends on any security of the issuer (or any predecessor) with a fixed maturity or a fixed interest or dividend provision; and

(b) the issuer and any predecessors during the past three fiscal years have had average net earnings determined in accordance with generally accepted accounting practices which are applicable to all securities without a fixed maturity or a fixed interest or dividend provision and which (i) equal to at least 5% of the amount of securities without a fixed maturity or a fixed interest or dividend provisions outstanding at the date the registration statement is filed (as measured by the maximum offering price or the market price on a day selected by the registrant within thirty days before the date of filing the registration statement, whichever is higher, or if there is neither a readily determinable market price nor an offering price, book value on a day selected by the registrant within ninety days of the date of filing the registration statement), or (ii) if the issuer and any predecessors have not had any securities without a fixed maturity or a fixed interest or dividend provision outstanding for three full fiscal years, equal at least 5% of the amount (as measured by the maximum public offering price) of such securities which will be outstanding if all the securities being of-

ferred or proposed to be offered (whether or not they are proposed to be registered or offered in this state) are issued.

(2) any security (other than a certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease) registered for non-issuer distribution if any security of the same class has ever been registered under this act or a predecessor act, or the security being registered was originally issued pursuant to an exemption under this act or a predecessor act.

(B) A registration statement under this section shall contain the following information and be accompanied by the following documents, in addition to payment of the registration fee prescribed in section 7 and, if required under section 12, a consent to service of process meeting the requirements of that section:

(1) A statement demonstrating eligibility for registration by notification.

(2) with respect to the issuer: its name, address, and form of organization; the state (or foreign jurisdiction) and the date of its organization; and the general character and location of its business.

(3) A description of the securities being registered.

(4) Total amount of securities to be offered and amount of securities to be offered in this state.

(5) The price at which the securities are to be offered for sale to the public; any variation therefrom at which any portion of the offering is to be made to any persons, other than an underwriting and selling discounts or commissions; and the estimated maximum aggregate underwriting and selling discounts or commissions and finders' fees (including cash, securities, or anything else of value).

(6) Names and addresses of the managing underwriters and a description of the plan of distribution of any securities which are to be offered otherwise than through an underwriter.

(7) Description of any options outstanding or to be created in connection with the securities being offered.

(8) Any adverse order, judgment, or decree previously entered in connection with the offering by any court or the Securities and Exchange Commission.

(9) A copy of an offering circular or prospectus to be used in connection with the offering.

(10) In the case of any registration under subsection 4(A) (2) which does not also satisfy the conditions of subsection

4(A) (1), a balance sheet of the issuer as of a date within four months prior to the filing of the registration statement, and a summary of earnings for each of the two fiscal years preceding the date of the balance sheet and for any period between the close of the last fiscal year and the date of the balance sheet, or for the period of the issuer's and any predecessors' existence if less than two years.

(C) If no stop order is in effect and no proceeding is pending under section 8, a registration statement under this section automatically becomes effective at three o'clock Central Standard Time in the afternoon of the fifth full business day after the filing of the registration statement or the last amendment, or at such earlier time as the Commissioner determines.

Section 5. REGISTRATION BY COORDINATION

(A) Any security for which a registration statement has been filed under the Securities Act of 1933 in connection with the same offering may be registered by coordination.

(B) A registration statement under this section shall contain the following information and be accompanied by the following documents, in addition to payment of the registration fee prescribed in section 7:

(1) Three copies of the prospectus filed under the Securities Act of 1933 together with all amendments thereto.

(2) If the Commissioner requests, any other information, or copies of any other documents, filed under the Securities Act of 1933; and

(3) The amount of securities to be offered in this state.

(4) The states in which a registration statement or similar document in connection with the offering has been or is expected to be filed.

(5) Any adverse order, judgment or decree previously entered in connection with the offering by any court or the Securities and Exchange Commission.

(6) An undertaking to forward promptly all amendments to the federal registration statement, other than an amendment which merely delays the effective date.

(C) A registration statement under this section automatically becomes effective at the moment the federal registration statement becomes effective if all the following conditions are satisfied.

(1) no stop order is in effect and no proceeding is pending under section 8;

(2) the registration statement has been on file with the Commissioner for at least five full business days; and

(3) a statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions has been on file for one full business day or such shorter period as the Commissioner permits by rule or otherwise and the offering is made within those limitations. The registrant shall promptly notify the Commissioner by telephone or telegram of the date and time when the federal registration statement became effective and the content of the price amendment, if any, and shall promptly file a post-effective amendment containing the information and documents in the price amendment. "Price amendment" means the final federal amendment which includes a statement of the offering price, underwriting and selling discounts or commissions, amount of proceeds, conversion rates, call prices, and other matters dependent upon the offering price.

Upon failure to receive the required notification and post-effective amendment with respect to the price amendment, the Commissioner may enter a stop order, denying effectiveness to the registration statement or suspending its effectiveness until compliance with the subsection, if he promptly notifies the registrant by telephone or telegram (and promptly confirms by letter or telegram when he notifies by telephone) of the issuance of the order. If the registrant proves compliance with the requirements of this subsection as to notice and post-effective amendment, the stop order is void as of the time of its entry. The Commissioner may by rule or otherwise waive either or both of the conditions specified in clauses (2) and (3). If the federal registration statement becomes effective before all these conditions are satisfied and they are not waived, the registration statement automatically becomes effective as soon as all the conditions are satisfied. If the registrant advises the Commissioner of the date when the federal registration statement is expected to become effective the Commissioner shall promptly advise the registrant by telephone or telegram, at the registrant's expense, whether all the conditions are satisfied and whether he then contemplates the institution of a proceeding under section 8; but this advice by the Commissioner does not preclude the institution of such a proceeding at any time.

Section 6. REGISTRATION BY QUALIFICATION

(A) Any security may be registered by qualification.

(B) A registration statement under this section shall contain the following information and be accompanied by the following documents, in addition to payment of the registration fee prescribed in section 7 and, if required under section 12, a consent to service of process meeting the requirements of that section;

(1) With respect to the issuer and any significant subsidiary: its name, address, and form of organization; the state or foreign jurisdiction and date of its organization; the general character and location of its business; and a description of its physical properties and equipment.

(2) With respect to every director and officer of the issuer or person occupying a similar status or performing similar functions: his name, address, and principal occupation for the past five years; the amount of securities of the issuer held by him as of the date of the offering and a record of any securities of the issuer held by him previous to the filing of the application and the offering date; the remuneration paid to all such persons in the aggregate during the past twelve months, and estimated to be paid during the next twelve months, directly or indirectly, by the issuer and its predecessors, parents and subsidiaries.

(3) With respect to any person not named in clause (2), owning of record, or beneficially if known, ten percent or more of the outstanding shares of any class of equity security of the issuer: the information specified in clause (2) other than his occupation.

(4) With respect to every promoter, not named in clause (2), if the issuer was organized within the past three years: the information specified in clause (2), any amount paid to him, and the consideration for any such payment.

(5) The capitalization and long-term debt (on both a current and a pro forma basis) of the issuer and any significant subsidiary, including a description of each security outstanding or being registered or otherwise offered, and a statement of the amount and kind of consideration (whether in the form of cash, physical assets, services, patents, goodwill, or anything else) for which the issuer or any subsidiary has issued any of its securities within the past two years or is obligated to issue any of its securities.

(6) The kind and amount of securities to be offered; the amount to be offered in this state; the proposed offering price and any variation therefrom at which any portion of the offering is to be made to any persons except as underwriting and selling discounts and commissions; the estimated aggregate underwriting and selling discounts or commissions and finders' fees (including separately cash, securities, or anything else of value to accrue to the underwriters in connection with the offering); the estimated amounts of other selling expenses, and legal, engineering, and accounting expenses to be incurred by the issuer in connection with the offering; the name and address of every underwriter and every recipient of a finders' fee; a copy of any underwriting or selling-group agreement pursuant to which the

distribution is to be made, or the proposed form of any such agreement whose terms have not yet been determined; and a description of the plan of distribution of any securities which are to be offered otherwise than through an underwriter.

(7) The estimated cash proceeds to be received by the issuer from the offering; the purposes for which the proceeds are to be used by the issuer; the amount to be used for each purpose; the order or priority in which the proceeds will be used for the purpose stated; the amounts of any funds to be raised from other sources to achieve the purposes stated, and the sources of any such funds; and, if any part of the proceeds is to be used to acquire any property (including goodwill) otherwise than in the ordinary course of business, the names and addresses of the vendors and the purchase price.

(8) A description of any stock options or other security options outstanding, or to be created in connection with the offering, together with the amount of any such options held or to be held by every person required to be named in clause (2), (3), (4), (5), or (7) and by any person who holds or will hold ten percent or more in the aggregate of any such options.

(9) The states in which a registration statement or similar document in connection with the offering has been or is expected to be filed.

(10) Any adverse order, judgment or decree previously entered in connection with the offering by any court or the Securities and Exchange Commission; a description of any pending litigation or proceeding to which the issuer is a party and which materially affects its business or assets (including any such litigation or proceeding known to be contemplated).

(11) A copy of any prospectus or circular intended as of the effective date to be used in connection with the offering;

(12) A specimen or copy of the security being registered; a copy of the issuer's articles of incorporation and by-laws, as currently in effect; and a copy of any indenture or other instrument covering the security to be registered.

(13) A signed or conformed copy of an opinion of counsel as to the legality of the security being registered.

(14) A balance sheet of the issuer as of a date within four months prior to the filing of the registration statement; a profit and loss statement and analysis of surplus for each of the three fiscal years preceding the date of the balance sheet and for any period between the close of the last fiscal year and the date of the balance sheet, or for the period of the issuer's and any predecessor's existence if less than three years; and, if any part

of the proceeds of the offering is to be applied to the purchase of any business, the same financial statements which would be required if that business were the registrant.

(C) A registration statement under this section becomes effective when the Commissioner so orders. The Commissioner may require as a condition of registration under this section that a prospectus containing any designated part of the information specified in subsection (B) be sent or given to each person to whom an offer is made before or concurrently with (1) the first written offer made to him (otherwise than by means of a public advertisement) by or for the account of the issuer or any other person on whose behalf the offering is being made, or by any underwriter or dealer who is offering part of an unsold allotment or subscription taken by him as a participant in the distribution, (2) the confirmation of any sale made by or for the account of any such person, (3) payment pursuant to any such sale, or (4) delivery of the security pursuant to any such sale, whichever first occurs; but the Commissioner shall accept for use under any such requirement a current prospectus or offering circular regarding the same securities filed under the Securities Act of 1933 or regulations thereunder.

Section 7. GENERAL PROVISIONS REGARDING REGISTRATION OF SECURITIES

(A) A registration statement may be filed by the issuer, any other person on whose behalf the offering is to be made, or registered dealer, except that a registration statement in connection with registration by co-ordination must be filed by a dealer registered as such with this Commission. Any document filed under this act or a predecessor act within five years preceding the filing of a registration statement may be incorporated by reference in the registration statement to the extent that the document is currently accurate. The Commissioner may by rule or otherwise permit the omission of any item of information or document from any registration statement.

(B) The Commissioner may require as a condition of registration by qualification or co-ordination that (1) the proceeds from the sale of the registered security be impounded until the issuer receives a specified amount or (2) any security issued within the past three years, or to be issued, to a promoter for a consideration substantially different from the public offering price, or to any person for a consideration other than cash, be delivered in escrow to him or to some other depository satisfactory to him under an escrow agreement than the owners of such securities shall not be entitled to sell or transfer such securities or to withdraw such securities from escrow until all other stockholders who have paid for their stock in cash shall have been

paid a dividend or dividends aggregating not less than 6% of the initial offering price shown to the satisfaction of the Commissioner to have been actually earned on the investment in any common stock so held. The Commissioner shall not reject a depository solely because of location in another state. In case of dissolution or insolvency during the time such securities are held in escrow, the owners of such securities shall not participate in the assets until after the owners of all other securities shall have been paid in full.

(C) No securities shall be registered by qualification until the applicant or applicants have entered into a bond for not less than \$1,000 nor more than \$100,000, and in no event for more than ten per cent of the aggregate selling price of the securities to be registered by qualification. The amount of said bond shall be fixed by the Commissioner in his order admitting said securities to record. Said bond shall be payable to the State of Alabama and be conditioned upon the truthfulness of the statements set forth in the registration statement filed with the Commissioner and of the written evidence or other probative matter filed with the Commissioner in connection with such registration statement and for the faithful compliance by said applicant and his salesmen with the provisions of this title and of any lawful condition or requirement made by the Commissioner in registering such securities. Said bond shall be made with a surety company authorized to do business in the State of Alabama and shall be filed with and approved by the Commissioner.

Any original purchaser of such securities or other person injured by a breach of any condition in said bond shall have a right of action upon said bond for the amount of damages suffered thereby, but such right of action shall be barred unless suit be instituted thereon within two years from the time such cause of action arises. One or more recoveries upon such bond shall not vitiate the same; but no recoveries thereon shall ever exceed the full amount of such bond. Upon suits being filed in excess of the amount of such bond, the Commissioner shall require a new bond; and if same is not filed with and approved by the Commissioner within thirty days thereafter, the Commissioner shall revoke the registration of the securities involved.

All liability upon any such bond shall be extinguished upon the expiration of two years from the date of the last original sale by the issuer, or his salesmen, of any of the securities registered and authorized to be sold pursuant to the registration statement on account of which such bond has been required by the Commissioner.

(D) For the registration of securities there shall be paid to the Commissioner a filing fee of \$25, plus a registration fee of 1/20 of 1% of the aggregate offering price of the securities which

are to be offered in this State, but the registration fee shall in no case be more than \$1,000. When a registration statement is withdrawn before the effective date or a pre-effective stop order is entered under section 8, the Commissioner shall retain the \$25 filing fee. For the registration of securities issued by a face-amount certificate company or a redeemable security issued by an open-end management company or unit investment trust, as those terms are defined in the Investment Company Act of 1940, a new registration fee shall be paid each year that the registration remains in effect, based upon the aggregate offering price of such securities which are to be offered in this state during that year, even though the maximum fee was paid the preceding year; and the registration statement for such securities may be amended to increase the amount of securities to be offered.

(E) When securities are registered, they may be offered and sold by the issuer, any other person on whose behalf they are registered or by any registered dealer. Every registration statement shall remain effective unless a stop order is in effect under section 8 of this Act, until revoked by the Commissioner or until terminated upon request of the registrant with the consent of the Commissioner. All outstanding securities of the same class as a registered security are considered to be registered for the purpose of any non-issuer transaction (1) so long as the registration statement is effective and (2) between the thirtieth day after the entry of any stop order suspending or revoking the effectiveness of the registration statement under section 8 (if the registration statement did not relate in whole or in part to a non-issuer distribution) and one year from the effective date of the registration statement. A registration statement which has become effective may not be withdrawn for a period of one year from its effective date if any securities of the same class are outstanding. A registration statement may be withdrawn otherwise only in the discretion of the Commissioner.

(F) The Commissioner may require the person who filed the registration statement to file reports, not more than quarterly, to keep reasonable current the information contained in the registration statement and to disclose the progress of the offering with respect to securities registered by co-ordination and notification; provided however, that where a registration statement has been filed by a person other than the issuer or an affiliate of the issuer, the Commissioner may require such person to file such reports on an annual basis only.

(G) Every issuer whose securities have been registered by qualification and the registration of whose securities has not been cancelled and who has not been discharged from filing further quarterly reports under the provisions of paragraph (H)

of this section, shall file within thirty days after the close of business on December 31, March 31, June 30, and September 30 of each year, and at such other reasonable times as may be required by the Commissioner, a statement, verified under oath by some person having actual knowledge of the facts therein stated, setting forth, in such form as may be prescribed by the Commissioner, the financial condition, the amount of assets and liabilities of such issuer on the above date and such other information as the Commissioner may require. Each statement shall be accompanied by a filing fee of ten dollars. If any issuer subject to the provisions of this paragraph of section 7 shall wilfully fail or refuse to comply with any of the provisions of this paragraph, and shall continue to so fail or refuse for thirty days after notice or demand, the registration statement of said issuer's securities may thereupon be suspended or revoked and it shall thereafter be unlawful for any such issuer, or for his agent or agents or any dealer or salesman to sell such securities in this state.

(H) Any issuer, whose securities have been registered by qualification as provided in section 6 of this title, who has completed the sale of the securities so registered, or who desires to discontinue the sale of said registered securities, and who desires to be discharged from further supervision of the Commissioner or from further compliance with the Alabama securities law, may file with the Commissioner a notice in writing to such effect, and the Commissioner may thereupon enter an order cancelling the registration of such securities, and such issuer shall thereupon be discharged from filing any financial report except as the Commissioner may require up to and including the date of the filing of said notice as hereinabove provided. No such notice may be filed within one year after the effective date of the registration statement if any securities of the same class as those registered are outstanding.

Section 8. DENIAL, SUSPENSION, AND REVOCATION OF REGISTRATION

(A) The Commissioner may issue a stop order denying effectiveness to, or suspending or revoking the effectiveness of, any registration statement if he finds that the order is in the public interest and that:

(1) the registration statement as of its effective date or as of any earlier date in the case of an order denying effectiveness, is incomplete in any material respect or contains any statement which was, in the light of the circumstances under which it was made, false or misleading with respect to any material fact;

(2) any provision of this act or any rule, order, or condition lawfully imposed under this act has been wilfully violated, in

connection with the offering by (i) any person filing the registration statement, (ii) the issuer, any partner, officer, or director of the issuer, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling or controlled by the issuer, but only if the person filing the registration statement is directly or indirectly controlled by or acting for the issuer, or (iii) any underwriter;

(3) the security registered or sought to be registered is the subject of a permanent or temporary injunction of any court of competent jurisdiction entered under any other federal or state act applicable to the offering; but (i) the Commissioner may not institute a proceeding against an effective registration statement under this clause more than one year from the date of the injunction relied on, and (ii) he may not enter an order under this clause on the basis of an injunction entered under any other state act unless that order or injunction was based on facts which would currently constitute a ground for a stop order under this section;

(4) the issuer's enterprise or method of business includes or would include activities which are illegal where performed;

(5) the offering has worked or tended to work a fraud upon purchasers or would so operate;

(6) when a security is sought to be registered by notification, it is not eligible for such registration;

(7) when a security is sought to be registered by co-ordination, there has been a failure to comply with the undertaking required by section 5 (B) (7);

(8) the offering has been or would be made with unreasonable amounts of underwriters' and sellers' discounts, commissions, or other compensation, or promoters' profits or participation, or unreasonable amounts or kinds of options, or

(9) the applicant or registrant has failed to pay the proper registration fee; but the Commissioner may enter only a denial order under this clause and he shall vacate any such order when the deficiency has been corrected.

The Commissioner may not enter a stop order against an effective registration statement on the basis of a fact or transaction known to him when the registration statement became effective.

(B) Upon the entry of a stop order under any part of this section the Commissioner shall promptly notify the issuer of the securities and the applicant or registrant that the order has been entered and of the reasons therefor and that within fifteen days after the receipt of a written request the matter will be set

down for hearing. If no hearing is requested within fifteen days and none is ordered by the Commissioner, the Commissioner shall enter his written findings of fact and conclusions of law and the order will remain in effect until it is modified or vacated by the Commissioner. If a hearing is requested or ordered, the Commissioner, after notice of and opportunity for hearing to the issuer and to the applicant or registrant, shall enter his written findings of fact and conclusions of law and may modify or vacate the order. The Commissioner may modify or vacate a stop order if he finds that the conditions which prompted its entry have changed or that it is otherwise in the public interest to do so.

Section 9. DEFINITIONS

When used in this Act, unless the context otherwise requires:

(A) "Commissioner" means the Securities Commissioner of Alabama.

(B) "Salesman" means any individual other than a dealer who represents a dealer or issuer in effecting or attempting to effect sales of securities, but "salesman" does not include an individual who represents an issuer in (1) effecting a transaction in a security exempted by clause (A), (B), (C), (I), or (J) of section 10, (2) effecting transactions exempted by section 11 or (3) effecting transactions with existing employees, partners, or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state. A partner, officer, or director of a dealer or issuer is a salesman if he otherwise comes within this definition.

(C) "Dealer" means any person engaged in the business of effecting transactions in securities for the account of others or for his own account. "Dealer" does not include (1) a salesman, issuer, bank, savings institution, or trust company, (2) a person who has no place of business in this state if he effects transactions in this state exclusively with or through the issuers of the securities involved in the transactions and other dealers.

(D) "Guaranteed" means guaranteed as to payment of principal, interest, or dividends.

(E) "Issuer" shall mean and include every person who proposes to issue, has issued, or shall hereafter issue any security. Any person who acts for a compensation or a consideration as a promoter for or on behalf of a corporation, trust or unincorporated association or partnership of any kind to be formed shall be deemed to be an issuer.

(F) "Non-issuer" means not directly or indirectly for the benefit of the issuer.

(G) "Person" shall include a natural person, a corporation created under the laws of this or any other state, country, sovereignty, or political subdivision thereof, a partnership, an association, a joint stock company, a trust and any unincorporated organization. As used herein the term "trust" shall not include a trust created or appointed under or by virtue of a last will and testament, or by instrument of declaration or appointment by any person for the benefit of himself, relatives, friends, servants or employees, or by a court of law or equity, or any public charitable trust.

(H) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value. "Offer" or "offer to sell" includes every attempt to offer or dispose of, or solicitation of an offer to buy, a security or interest in a security for value.

Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value. A purported gift of assessable stock is considered to involve an offer and sale. Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.

(I) "Securities Act of 1933," "Securities Exchange Act of 1934," "Public Utility Holding Company Act of 1935," and "Investment Company Act of 1940" mean the federal statutes of those names as amended before or after the effective date of this act.

(J) "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral-trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting-trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease, annuity contract unless issued by an insurance company, bankers' shares, trustees' shares, investment participating bonds, investment trust debentures, units, shares, bonds, and certificates in, for, respecting or based upon any form of securities or collateral, subscriptions and contracts covering or pertaining to the sale or purchase on the installment plan of any security as herein defined; or subscriptions or contracts covering or pertaining to the sale or purchase of beneficial interest in title to property, profits or earnings; or

any right to subscribe to any of the foregoing; or any instrument of any kind commonly known as a security.

(K) "State" means any state, territory, or possession of the United States, as well as the District of Columbia and Puerto Rico.

(L) "Underwriter" shall mean a person who agrees to take or contracts to dispose of a stipulated amount of securities or a portion thereof, at a fixed price.

(M) "Broker" shall mean dealer as hereinabove defined.

(N) "Agent" shall mean salesman as hereinabove defined.

(O) "Suspend" when used in relation to the registration of either a security or a dealer or salesman, shall mean the temporary cessation or inoperativeness of such registration, whether by reason of operation of law or by reason of an order of the commission.

(P) "Revoke" shall mean to vacate the registration of either a security, a dealer or a salesman for cause by order of the commission.

(Q) "Cancel" shall mean to terminate the registration of either a security, a dealer or a salesman upon application filed therefor as follows: in the case of a security, upon application therefor filed by the issuer thereof or the person who secured the registration of said security; in the case of a dealer, upon the application therefor filed by such dealer; in the case of a salesman, upon the application therefor filed by either the issuer or dealer employing such salesman.

Section 10. EXEMPT SECURITIES

Sections 3 through 8, inclusive, of this act shall not apply to any of the following securities:

(A) Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state, or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing.

(B) Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing, or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor.

(C) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the

laws of the United States, or any bank, savings institution, or trust company organized and supervised under the laws of this state.

(D) Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, or any building and loan or similar association organized under the laws of this state.

(E) Any security, issued or guaranteed by any federal credit union or any credit union, industrial loan association, or similar association organized and supervised under the laws of this state.

(F) Any security issued or guaranteed by any railroad, other common carrier, public utility, or holding company which is (1) subject to the jurisdiction of the Interstate Commerce Commission; (2) a registered holding company under the Public Utility Holding Company Act of 1935 or a subsidiary of such a company within the meaning of that act; (3) regulated in respect to its rates and charges by a governmental authority of the United States or any state; or (4) regulated in respect to the issuance or guarantee of the security by a governmental authority of the United States, any state, Canada, or any Canadian province.

(G) Any security listed or approved for listing upon notice of issuance on the New York Stock Exchange, the American Stock Exchange, or the Midwest Stock Exchange or any other stock exchange approved by the Commissioner; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing.

(H) Any security issued by any person organized and operated not for private profit but exclusively for religious, educational, benevolent, charitable, fraternal, social, athletic, or reformatory purposes, or as a chamber of commerce or trade or professional association.

(I) Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal.

(J) Any investment contract issued in connection with an employees' stock purchase, savings, pension, profit-sharing, or

similar benefit plan if the Commissioner is notified in writing thirty days before the inception of the plan or, with respect to plans which are in effect on the effective date of this act, within sixty days thereafter (or within thirty days before they are reopened if they are closed on the effective date of this act).

Section 11. EXEMPT TRANSACTIONS

Except as hereinafter in this section expressly provided, sections 2 through 8 inclusive of this act shall not apply to any of the following transactions:

(A) Any isolated transaction, whether effected through a dealer or not.

(B) Any non-issuer distribution of an outstanding security by a registered dealer if (1) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or (2) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security or (3) the securities have been outstanding for at least three years.

(C) Any non-issuer transaction effected by or through a registered dealer pursuant to an unsolicited order or offer to buy.

(D) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters.

(E) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit.

(F) The sale or the offering for sale of any security at any judicial, executor's, administrator's, guardian's, or conservator's sale, or at any sale by a receiver or trustee in insolvency or bankruptcy.

(G) Any transaction executed by a bona fide pledgee without any purpose of evading this act.

(H) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined

in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a dealer, whether the purchaser is acting for itself or in some fiduciary capacity.

(I) Any transaction pursuant to an offer directed by the offerer to not more than ten persons (other than those designated in paragraph (H) in this state during any period of twelve consecutive months, whether or not the offerer or any of the offerees is then present in this state, if (1) the seller reasonably believes that all the buyers are purchasing for investment, and (2) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective buyer; but the Commissioner may by rule or order, as to any security or transaction or any type of security or transaction, withdraw or further condition this exemption or decrease or increase the number of offerees permitted, or waive the conditions in clauses (1) and (2) with or without the substitution of a limitation on remuneration.

(J) Any offer or sale of a preorganization certificate or subscription if (1) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (2) the number of subscribers does not exceed ten, and (3) no payment is made by any subscriber; however, the Commissioner may by rule or order increase the number of subscribers permitted under this exemption in any specific offering.

(K) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, non-transferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (1) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (2) the issuer first files a notice specifying the terms of the offer and the Commissioner does not by order disallow the exemption within the next five full business days.

(L) Any offer (but not a sale) of a security for which registration statements have been filed under both this act and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act.

(M) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or stock.

(N) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi reorganization, stock split, reverse stock split, merger, consolidation or sale of assets.

The Commissioner may by order deny or revoke the exemption specified in this section with respect to a specific security if he finds the sale of such security would work or tend to work a fraud upon the purchasers thereof. Upon the entry of such an order, the Commissioner shall promptly notify all registered dealers that it has been entered and of the reasons therefor and that within fifteen days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the Commissioner, the order will remain in effect until it is modified or vacated by the Commissioner. If a hearing is requested or ordered, the Commissioner, after notice of and opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination. No order under this subsection may operate retroactively. No person may be considered to have violated this act by reason of any offer or sale effected after the entry of an order under this subsection if he sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known of the order. In any proceeding under this act, the burden of proving an exemption from a definition is upon the person claiming it.

Section 12. CONSENT TO SERVICE OF PROCESS

Every applicant for registration as a dealer or salesman under this act and every issuer which proposes to offer a security in this state through any person acting on an agency basis in the common law sense shall file with the Commissioner, in such form as he prescribes, an irrevocable consent appointing the Secretary of State to be his attorney to receive service of any lawful process in any non-criminal suit, action, or proceeding against him or his successor executor or administrator which arises under this act or any rule or order hereunder after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such a consent in connection with a previous registration need not file another. Service may be made by leaving a copy of the process in the office of the Secretary of State, but it is not effective unless (1) the plaintiff, who may be the Commissioner in a suit, action, or proceeding instituted by him, forthwith sends notice of the service and a copy of the process by registered mail to the defendant or respondent at his last address on file with the Commissioner, and (2) the plaintiff's affidavit of compliance with this subsection is filed in the case on or before the return day of the process, if any, or within such

further time as the court allows. Provided however, that this section shall not apply to an issuer whose securities are registered by coordination with the Commissioner.

Section 13. MISLEADING FILINGS

Any person who shall make or file, or cause to be made or filed with the Commissioner under any of the provisions of this title, any statement, document, or other paper which is false in any material respect or matter, shall be deemed guilty of perjury and upon conviction thereof in any court of competent jurisdiction shall be punished as provided for in section 377 of title 14, Code of Alabama 1940.

Section 14. UNLAWFUL REPRESENTATIONS CONCERNING REGISTRATION OR EXEMPTION

Neither the fact that an application for registration under section 2 or a registration statement under sections 4, 5, or 6 has been filed, nor the fact that a person or security is effectively registered, constitutes a finding by the Commissioner that any document filed under this act is true, complete, and not misleading. Neither any such fact nor the fact that an exemption or exception is available for a security or a transaction means that the Commissioner has passed in any way upon the merits or qualifications of, or recommended or given approval to, any person, security, or transaction. It is unlawful to make, or cause to be made, to any prospective purchaser, customer, or client any representation inconsistent with this section.

Section 15. INVESTIGATIONS AND SUBPOENAS

(A) The Commissioner in his discretion (1) may make such public or private investigations within or outside of this state as he deems necessary to determine whether any registration should be granted, denied or revoked or whether any person has violated or is about to violate any provision of this act or any rule or order hereunder, or to aid in the enforcement of this act or in the prescribing of rules and forms hereunder, (2) may require or permit any person to file a statement in writing, under oath or otherwise as the Commissioner may determine, as to all the facts and circumstances concerning the matter to be investigated, and (3) may publish information concerning any violation of this act or any rule or order hereunder.

(B) For the purpose of any investigation or proceeding under this act, the Commissioner or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the Commissioner deems relevant or material to the inquiry.

(C) In case of contumacy by, or refusal to obey a subpoena issued to any person, any court of competent jurisdiction, upon application by the Commissioner, may issue to that person an order requiring him to appear before the Commissioner, or the officer designated by him, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question; and any failure to obey the order of the court may be punished by the court as a contempt of court.

(D) No person is excused from attending and testifying or from producing any document or record before the Commissioner, or in obedience to the subpoena of the Commissioner or any officer designated by him or in any proceeding instituted by the Commissioner, on the ground that the testimony or evidence (documentary or otherwise) required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after claiming his privilege against self-incrimination, to testify or produce evidence (documentary or otherwise), except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(E) The Commissioner in his discretion may require that applicants for the registration of securities, dealers or securities salesmen submit with the respective applications or registration statements an examination deposit. Such deposit shall not be in excess of the respective registration fee or \$100, whichever is greater. Such deposit shall be used to defray the actual cost of an examination and investigation of the applicant or issuer upon whose behalf it was submitted. Any sum remaining after the payment of such actual cost is to be refunded to the depositor.

Section 16. INJUNCTIONS

Whenever it appears to the Commissioner that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this act or any rule or order hereunder, he may in his discretion bring an action in any court of competent jurisdiction to enjoin any such acts or practices and to enforce compliance with this act or any rule or order hereunder. Upon a proper showing a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The Commissioner may not be required to post a bond.

Section 17. CRIMINAL PENALTIES

(A) Any person who wilfully violates any provision of this

act, shall upon conviction be fined not more than \$5,000 or imprisoned not more than three years, or both. No indictment or information may be returned under this act more than three years after the alleged violation.

(B) Any person who wilfully violates any rule or order under this act shall upon conviction be fined not more than \$500 or sentenced to the county jail for not more than twelve months or both.

(C) The Commissioner may refer such evidence as may be available concerning violations of this act or of any rule or order hereunder to the appropriate Circuit Solicitor, who may in his discretion, with or without such reference, institute the appropriate criminal proceedings under this act.

(D) Nothing in this act limits the power of the state to punish any person for any conduct which constitutes a crime by statute or at common law.

Section 18. CIVIL LIABILITIES

(A) Any person who

(1) sells or offers to sell a security in violation of any provision of this act or of any rule or order imposed under this act or of any condition imposed under this act, or

(2) offers or sells a security by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading (the buyer not knowing of the untruth or omission), and who does not sustain the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of the untruth or omission, is liable to the person buying the security from him who may sue either at law or in equity to recover the consideration paid for the security, together with interest at six per cent per year from the date of payment, court costs, and reasonable attorneys' fees, less the amount of any income received on the security, upon the tender of the security, or for damages if he no longer owns the security. Damages are the amount that would be recoverable upon a tender less the value of the security when the buyer disposed of it and interest at six per cent per year from the date of disposition.

(B) Every person who directly or indirectly controls a seller liable under subsection (A), every partner, officer, or director of such a seller, every person occupying a similar status or performing similar functions, every employee of such a seller who materially aids in the sale, and every broker-dealer or agent who materially aids in the sale are also liable jointly and severally with and to the same extent as the seller, unless the non-seller

who is so liable sustains the burden of proof that he did not know, and in exercise of reasonable care could not have known, of the existence of the facts by reason of which the liability is alleged to exist.

(C) Any tender specified in this section may be made at any time before entry of judgment.

(D) Every cause of action under this statute survives the death of any person who might have been a plaintiff or defendant.

(E) No person may sue under this section more than two years after the contract of sale. No person may sue under this section (1) if the buyer received a written offer, before suit and at a time when he owned the security, to refund the consideration paid together with interest at six per cent per year from the date of payment, less the amount of any income received on the security, and he failed to accept the offer within thirty days of its receipt, or (2) if the buyer received such an offer before suit and at a time when he did not own the security, unless he rejected the offer in writing within thirty days of its receipt.

(F) No person who has made or engaged in the performance of any contract in violation of any provision of this act or any rule or order hereunder, or who has acquired any purported right under any such contract with knowledge of the facts by reason of which its making or performance was in violation, may base any suit on the contract.

(G) Any condition, stipulation, or provision binding any person acquiring any security to waive compliance with any provision of this act or any rule or order hereunder is void.

(H) The rights and remedies provided by this act are in addition to any other rights or remedies that may exist at law or in equity.

Section 19. JUDICIAL REVIEW OF ORDERS

Any interested person aggrieved by any order of the Commissioner or by any refusal or failure of the Commissioner to make an order under any of the provisions of this title shall upon written request directed to the Commissioner within thirty days after such request has been filed with him be entitled to a public hearing before the Commissioner. The Commissioner shall within ten days after such hearing rule upon the subject matter of such hearing. Any person aggrieved by the final order of the Commissioner may within thirty days after the making and issuance thereof commence a suit in the circuit court of Montgomery County, Alabama, against the Commissioner as de-

fendant, to vacate and set aside such order on the ground that same is unjust and unreasonable. The rules of pleading and procedure in such suit shall be the same as are provided by law for the trial of suits in equity in the circuit courts of this state, and on the hearing the judge of said circuit court may set aside, modify, or confirm said order as the evidence and the rules of equity may require. Appeals may be taken from the decision of the circuit court to the supreme court by either party in the same manner as provided by law in other civil cases in equity; but the Commissioner may appeal without bond. Pending any such appeal, the said order of the Commissioner shall be prima facie evidence that it is just and reasonable and shall remain in full force and effect. If no suit be brought within said thirty days, said order shall become final and binding.

Section 20. ADMINISTRATION OF ACT

(A) This act shall be administered by the Securities Commissioner of Alabama. The Attorney General of Alabama shall be the Securities Commissioner and shall make all reasonable rules and regulations as may be necessary to carry out the provisions of this title. He is authorized and empowered to swear out warrants of arrest against any person violating the criminal provisions of this title, and he shall not be liable in damages or to a suit or action for damages by reason of swearing out warrants, or for causing the arrest and detention or imprisonment of any person or persons under such warrant or warrants. The office of the Commissioner shall be in the office of the Attorney General.

(B) The Commissioner shall appoint an Assistant Securities Commissioner subject to the provisions of the Merit System of the State of Alabama, who shall have personal charge of the administration and enforcement of this title under the direction and authority of the Commissioner. He shall keep the records of the Commissioner, and generally perform such duties as the Commissioner may direct. When ordered by the Commissioner he shall be authorized and empowered to swear out warrants of arrest against any Person violating the criminal provisions of this title. He shall not be liable in damages or to a suit or action for damages by reason of swearing out such warrant or warrants or for causing the arrest, detention, or imprisonment of any person or persons under such warrant or warrants. Said Assistant Commissioner shall be an Assistant Attorney General appointed and commissioned in the manner prescribed by law, vested with all the authority, rights, privileges, and immunities of other Assistant Attorneys General.

(C) The Commissioner may appoint, subject to the provisions of the Merit System of the State of Alabama, such per-

sonnel as are required to carry out the provisions and intent of this act.

(D) It is unlawful for the Commissioner or any of his officers or employees to use for personal benefit any information which is filed with or obtained by the Commissioner and which is not made public. No provision of this act authorizes the Commissioner or any of his officers or employees to disclose any such information except among themselves or when necessary or appropriate in a proceeding or investigation under this act. No provision of this act either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the Commissioner or to any of his officers or employees.

(E) The Commissioner may from time to time make, amend, and rescind such rules and prescribe such forms as are necessary and desirable to carry out the provisions of this act. No rules or forms may be made or prescribed unless the Commissioner finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of this act. In prescribing rules and forms the Commissioner may cooperate with the securities administrators of the other states and the Securities and Exchange Commission with a view to effectuating the policy of this statute to achieve maximum uniformity in the form and content of registration statements, applications, and reports wherever practicable. All rules and forms of the Commissioner shall be published.

(F) No provision of this act imposing any liability applies to any act done or omitted in good faith in conformity with any rule, form, or order of the Commissioner, notwithstanding that the rule or form may later be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

(G) Every hearing in an administrative proceeding shall be public unless the Commissioner in his discretion grants a request joined in by all the respondents that the hearing be conducted privately.

(H) A document is filed when it is received by the Commissioner. The Commissioner shall keep a register of all applications for registration and registration statements which are or have ever been effective under this act and all denial, suspension, or revocation orders which have ever been entered under this act. The register shall be open for public inspection. The information contained in or filed with any registration statement, application, or report may be made available to the public under such rules as the Commissioner prescribes.

(I) Upon request and at such reasonable charges as he prescribes, the Commissioner shall furnish to any person photostatic or other copies (certified under his seal of office if requested) of any entry in the register or any document which is a matter of public record. In any proceeding or prosecution under this act, any copy so certified is prima facie evidence of the contents of the entry or document certified.

(J) The Commissioner in his discretion may honor requests from interested persons for interpretative opinions.

Section 21. PROOF OF EXEMPTION

In any proceeding under this act, the burden of proving an exemption or an exception from a definition is upon the person claiming it.

Section 22. SHORT TITLE

This act may be cited as the Securities Act of Alabama.

Section 23. SEVERABILITY OF PROVISIONS

If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 24. REPEAL AND SAVING PROVISIONS

(A) Title 53, Code of Alabama 1940, and Act No. 241, General and Local Acts of 1953, page 306, are repealed except as saved in this section.

(B) Prior law exclusively governs all suits, actions, prosecutions, or proceedings which are pending or may be initiated on the basis of facts or circumstances occurring before the effective date of this act, except that no civil suit or action may be maintained to enforce any liability under prior law unless brought within any period of limitation which applied when the cause of action accrued and in any event within two years after the effective date of this act.

(C) All effective registrations under prior law and all conditions imposed upon such registrations remain in effect so long as they would have remained in effect if they had become effective under this law. They are considered to have been filed, entered, or imposed under this act.

(D) Prior law applies with respect to any offer or sale made within one year after the effective date of this act pursuant to an offering begun in good faith before its effective date on the basis of an exemption available under prior law.

Section 25. WARNINGS TO PUBLIC

The Commissioner may issue and give warnings to the public concerning securities being sold in this state and may cause to be published in a newspaper notice of all orders of the Commissioner either admitting or refusing to admit securities to record in the register of qualified securities.

Section 26. SALE OF SECURITIES BY INSOLVENT ISSUER

Any officer, director, trustee, solicitor, agent or broker of or for any issuer, knowing such issuer to be insolvent, who shall sell any securities issued by such issuer, or who shall make any sale of any such securities of and for such issuer, shall be deemed guilty of embezzlement, and upon conviction thereof in any court of competent jurisdiction, shall be punished as is provided for in section 126 of Title 14, Code of Alabama 1940. For the purpose of this section an issuer shall be deemed insolvent whenever the aggregate of its property shall not, at a fair valuation, be sufficient in amount to pay its debts.

Section 27. DISPOSITION OF REVENUES

All moneys accruing to or collected by or through the Securities Commissioner or as a result of any statutes which said Securities Commissioner may now or hereafter be charged with the duty of administering shall, when collected, be covered into the treasury to the credit of the general fund; provided, however, that the provisions hereof shall not apply to the moneys appropriated to said department from time to time from the general fund. The provisions of this section shall not apply to monies collected from applicants as examination fees and investigation deposits under the provisions of sections 2 (D) (1) and 15 (E) of this Act.

Section 28. TIME OF TAKING EFFECT

This Act shall become effective on January 1, 1960 after its passage and approval by the Governor or otherwise becoming a law.

Approved November 19, 1959.

Time: 2:02 P. M.

Act No. 543

H. 764—Callahan, Hanby, Dodd, Jenkins, Cabiness, Branyon, Hearn, McClendon (Chambers), Jones, (Monroe), Johnston (Leonard), Daniel, Bishop, Bailey, Chambers, Albea, Ramey, Meade, Sullivan,

McLendon (Bullock), Brewer, Speaks, Jones (Covington), Rozelle, Glass, Cook, Bevill, Cates, Salter, Phillips, Harris, Solomon, Rogers, Copeland, Hankins, Oden, Britton, Ashworth, Reynolds (Madison), Trimmier, Locke, Self, Hain, Turnham, Hardy, Avery, Harvey, Faulk, Gilmer, Grouby, Taylor, Broadfoot, Brannan, Powell, Smith (St. Clair), Grant, Ferguson, Nettles, Merrill, Reynolds (Chambers), Adams (Houston), Hocklander, Rast, Nichols, Gilchrist, Martin, Barnett, Long (Perry), Owens and Long (Lauderdale)

AN ACT

To make additional appropriations to the state institutions for the mentally ill and the mentally deficient for the two fiscal years ending September 30, 1960, and September 30, 1961, such appropriations to be paid from the Alabama Special Mental Health Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all funds heretofore appropriated to the institutions of the State of Alabama for the mentally ill and the mentally deficient, including appropriations made by Act No. 98 adopted at the 1959 Regular Session of the Legislature, there are hereby appropriated to the institutions of the State of Alabama for the mentally ill and the mentally deficient for each of the two fiscal years ending respectively September 30, 1960, and September 30, 1961, the several sums of money hereinafter specified:

TO THE ALABAMA STATE HOSPITALS FOR THE INSANE:

- (a) For the support, maintenance and repair of the Alabama State Hospitals for the Insane the additional sum of \$0.55 per day per patient,
For the fiscal year ending September 30, 1960, estimated \$1,475,512.50
- (b) For the support, maintenance and repair of the Alabama State Hospitals for the Insane the additional sum of \$0.55 per day per patient,

For the fiscal year ending
September 30, 1961, estimated \$1,475,512.50

**TO PARTLOW STATE SCHOOL FOR MENTAL
DEFICIENTS:**

- (1) For the support, maintenance
and repair of Partlow State
School for Mental Deficients
the additional sum of \$0.55
per day per patient,

For the fiscal year ending
September 30, 1960, estimated \$319,192.50

- (2) For the support, maintenance
and repair of Partlow State
School for Mental Deficients
the additional sum of \$0.55
per day per patient,

For the fiscal year ending
September 30, 1961, estimated \$319,192.50

The appropriations herein made shall be paid from the funds deposited in the State Treasury to the credit of the Alabama Special Mental Health Fund.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 2:35 P. M.

Act No. 544

H. 1069—Johnson (Elmore), Johnston

AN ACT

To change the method of compensating certain officers of Elmore County, placing such officers on a salary basis, and providing for the operation of their offices on such basis.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) The following officers of Elmore County shall be entitled to receive annual salaries in lieu of any fees, commissions, allowances, percentages, charges, and costs, except as herein otherwise provided:

1. The judge of probate shall receive an annual salary of ten thousand dollars, which shall include compensation for all ex officio duties.

2. The sheriff shall receive an annual salary of nine thousand dollars. The sheriff shall also be entitled to an allowance of one hundred fifty dollars a month for travel expenses.

3. The tax assessor shall receive an annual salary of seven thousand eight hundred dollars.

4. The tax collector shall receive an annual salary of six thousand two hundred dollars.

5. The clerk of the circuit court shall receive an annual salary of six thousand dollars, which shall include his compensation for all ex officio duties including services as ex officio Clerk of the Elmore County Court.

6. The register of the circuit court shall receive an annual salary of one thousand eight hundred dollars.

(b) The court of county commissioners, board of revenue, or other like governing body of Elmore County may, in its discretion, decrease the salaries of any one or more of the officers enumerated in subsection (a), provided that such decrease shall not take effect during the term for which such officer was elected or appointed, and provided also that the salary of the judge of probate shall not be reduced below seven thousand two hundred dollars per annum, the salary of the sheriff shall not be reduced below six thousand dollars per annum, the salary of the tax assessor shall not be reduced below five thousand four hundred dollars per annum, the salary of the tax collector shall not be reduced below five thousand dollars per annum, the salary of the clerk of the circuit court shall not be reduced below five thousand dollars per annum, and the salary of the register of the circuit court shall not be reduced below twelve hundred dollars per annum.

Section 2. The court of county commissioners, board of revenue, or other like governing body of Elmore County shall provide compensation for clerks, assistants, and secretaries for the officers enumerated in this Act in such number as may be necessary for the efficient conduct of their offices; provided, the judge of probate shall not be allowed more than two full time clerks, and each of the other officers, other than the sheriff, shall not be allowed to appoint but one clerk, assistant, or secretary. The sheriff shall be allowed the same number of deputies, jailers, and other assistants as are now provided by law, who shall receive the compensation and allowances as now prescribed by law. Temporary clerks and assistants may be allowed any of such officers from time to time as may be considered necessary by the county governing body. Each officer shall appoint his own deputies, clerks, secretaries, and assistants, and shall fix their compensation, subject to the approval of the board of reve-

nue, county commissioners, or other like county governing body as to number and rate of pay, except as herein otherwise provided. The sheriff shall also be allowed to appoint one full time clerk, whose compensation shall be fixed by the county governing body.

Section 3. The fees, commissions, percentages, allowances, charges, and court costs heretofore collectible for the use of any of the officers enumerated in Section 1 of this Act shall hereafter be collected for the use of the county and shall be paid into the general fund of the county. Provided, the sheriff may retain for his own use and benefit, such mileage and expense allowances as may be payable from the state treasury for returning prisoners. The compensation of the officers enumerated in Section 1, and of their clerks, deputies, secretaries, and other assistants shall be paid in equal monthly installments from the general fund of the county in the same manner as employees of the county are paid.

Section 4. The court of county commissioners, board of revenue, or other like governing body of Elmore County shall provide the judge of probate, sheriff, tax assessor, tax collector, clerk of the circuit court, and register of the circuit court, with the books, stationery, office equipment, supplies, postage, and other conveniences as may be necessary for the proper and efficient conduct of the affairs of their respective offices, but not including motor vehicles; and may provide for the installation, repair, and maintenance of an inter-communication system for the sheriff and his deputies.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective as to each county office specified at the expiration of the term of the incumbent officer, and upon the ratification of an amendment to the Constitution of Alabama submitted pursuant to H. B. 193, Act No. 125, Regular Session 1959.

Approved November 19, 1959.

Time: 2:30 P. M.

Act No. 545

H. J. R. 89—Nettles

HOUSE JOINT RESOLUTION

WHEREAS, our friend and colleague, Joe McCorquodale, Jr.,

of Clarke County and his wife, Betty, were involved in an automobile accident on last Saturday night, and

WHEREAS, Representative and Mrs. McCorquodale are now confined to the Druid City Hospital in Tuscaloosa, now

THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING that the Legislature of Alabama expresses its concern over the welfare and condition of our colleague, Representative McCorquodale and his wife, Betty, and wishes both of them a speedy recovery and wants them to know that the members of this Legislature are thinking about them in their hour of suffering.

BE IT FURTHER RESOLVED that the Clerk of the House be directed to send a copy of this Resolution to Representative and Mrs. McCorquodale.

Approved November 19, 1959.
Time: 2:27 P. M.

Act No. 546

H. J. R. 91—Hanby

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the bill, H. 533, which has passed both houses be designated and known as "The Hanby-Shelton Bill."

Approved November 19, 1959.
Time: 2:28 P. M.

Act No. 547

H. 239—Hanby, Goodwyn, Copeland,
Merrill, Hain, Steagall

AN ACT

To amend Section 413 of Title 37 of the 1940 Code of Alabama, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 413 of Title 37 of the 1940 Code of Alabama, as amended, is hereby amended to read as follows:

"Section 413. Officers not to be employed by corporation holding municipal franchise.—No officer of any municipality shall, during his term of office, be employed, professionally or otherwise, by any corporation holding or operating a franchise

granted by the city or the state involving the use of the streets of the municipality. This section shall not apply to or affect any attorney or physician employed by the municipality, and any municipality incorporated or organized under any general, special or local law of the State of Alabama may employ an attorney or physician, or attorneys or physicians, employed by a public utility."

Section 2. All other laws and parts of laws, general, special, private or local, in conflict or inconsistent with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.
Time: 2:31 P. M.

Act No. 548

H. 659—Hawkins, Edwards, Rast, Perry,
Locke, Sessions, Morrow

AN ACT

TO exempt from state, county and municipal taxes, licenses, fees and charges, property owned by certain non-profit membership corporations of retired public school teachers and supervisory staff personnel.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be exempted from any and all state, county and municipal taxes, licenses, fees and charges of any nature whatsoever on all real and personal property of any non-profit membership corporation (a) which is organized under Alabama law as a benevolent society for the purpose of aiding and benefitting retired teachers and supervisory staff personnel of any one or more public school systems in the State, (b) which is organized for other than pecuniary gain and not for individual profit, and (c) when such real or personal property is used by such corporation for the occupancy of its members and for professional or social meetings and functions sponsored by such corporation or its members.

Section 2. The clause "For other than pecuniary gain, and not for individual profit", as used in the preceding section, shall not include any fee, admission, service charge or dues assessed, charged or collected by any such corporation from any person or persons for any service rendered by such corporation, or for the use or occupancy of any of the real or personal property of such corporation.

Section 3. This act shall take effect immediately upon its passage and approval by the Governor or upon its becoming a law.

Approved November 19, 1959.

Time: 2:00 P. M.

Act No. 549

H. 1014—Hankins

AN ACT

To regulate further payment of compensation to deputy sheriffs by Lamar County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to pay the compensation of deputy sheriffs from the county public highway and traffic fund.

Be It Enacted by the Legislature of Alabama:

Section 1. It being the duty of the chief deputy sheriff and other deputy sheriffs of Lamar County to enforce state traffic and motor vehicle laws, the court of county commissioners, board of revenue, or other like governing body of said county may, in its discretion, provide for payment of the compensation of the chief deputy sheriff of the county and any other deputy sheriffs whose compensation is paid by the county according to law, in whole or in part from the county public highway and traffic fund.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 2:33 P. M.

Act No. 550

H. 763—Callahan, Hanby, Dodd, Jenkins, Cabiness, Branyon, Hearn, McClendon (Chambers), Daniel, Jones (Monroe), Johnston (Leonard), Bishop, Bailey, Chambers, Meade, Ramey, Albea, Sullivan, McLendon (Bullock), Jones, (Covington), Brewer, Speaks, Rozelle, Glass, Cook, Beville, Cates, Johnson (Hardaway), Salter, Phillips, Harris, Solomon, Rogers, Copeland, Hankins, Britton, Oden, Ashworth, Reynolds (Madison), Trimmier,

Thomas, Locke, Self, Hain, Turnham, Hardy, Avery, Harvey, Faulk, Gilmer, Grouby, Taylor, Broadfoot, Smith (St. Clair), Roberts, Brannan, Powell, Grant, Ferguson, Nettles, Merrill, Reynolds (Chambers), Adams (Houston), Hocklander, Rast, Nichols, Gilchrist, Martin, Barnett, Long (Perry), Owens, Long (Lauderdale)

AN ACT

To make additional appropriations to The Board of Trustees of the University of Alabama, for mental health purposes, including payment of salaries of professional and related personnel in the Department of Psychiatry of the Medical College of Alabama, operation of the out-patient Mental Health Clinic of said college, payment of stipends and scholarships to trainees in the field of psychiatry, and hospitalization of medically indigent mental patients in University Hospital and Hillman Clinics, and to make additional appropriations to the State Department of Public Health for mental health purposes, including establishment and operation of mental hygiene clinics and training and research in the field of mental health.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other funds heretofore appropriated to The Board of Trustees of the University of Alabama, there are hereby appropriated to The Board of Trustees of the University of Alabama for each of the two fiscal years ending respectively September 30, 1960, and September 30, 1961, the sums hereinafter provided, for the mental health purposes hereinafter set forth:

TO THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA:

- (a) For the Medical College of Alabama, for salaries of professional and related personnel in its Department of Psychiatry.....\$ 50,000.00
- (b) For the Medical College of Alabama, for operation of its out-patient Mental Health Clinic for residents of this state.....\$ 50,000.00
- (c) For the Medical College of Alabama, for stipends and scholarships to be paid to trainees in the field of psychiatry,
 - For the fiscal year ending September 30, 1960\$ 1,666.00
 - For the fiscal year ending September 30, 1961\$ 18,334.00

- (d) For University Hospital and Hillman Clinics, for expenses of hospitalization of medically indigent mental patients who are residents of this state.....\$100,000.00

Section 2. In addition to all other funds heretofore appropriated to the State Department of Public Health, including the appropriations heretofore made by Act No. 98 heretofore adopted at the 1959 Regular Session of the Legislature, there is hereby appropriated to the State Department of Health for each of the two fiscal years ending respectively on September 30, 1960, and on September 30, 1961, to be used for the following mental health purposes:

TO THE STATE DEPARTMENT OF PUBLIC HEALTH:

For: (a) The establishment and operation of mental hygiene clinics in the state; (b) The Training of personnel for services in the field of mental health; and (c) Research in the field of mental health.....\$ 50,000.00

Section 3. The appropriations herein made shall be paid from the funds deposited in the State Treasury to the credit of the Alabama Special Mental Health Fund.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved November 19, 1959.

Time: 2:55 P. M.

Act No. 551

H. 882—Trimmier

AN ACT

To amend Section Six (6) of an Act approved March 28, 1955, and found in Acts of Alabama, 1955, Volume 1, pages 122-123, relating to the appointment of an Assistant Treasurer of Mobile County; and providing for the qualifications, term, duties, bond, compensation, and manner and method of paying same, and fixing time at which said Act shall go into effect.

Be It Enacted by the Legislature of Alabama:

That Section Six (6) of an Act approved March 28, 1955, and found in Acts of Alabama, 1955, Volume 1, pages 122-123, relating to the appointment of an Assistant Treasurer of Mobile County; and providing for the qualifications, term, duties, bond, compensation, and manner and method of paying same, and fixing time at which said Act shall go into effect, be and the same is hereby amended to read as follows:

Section 6. The compensation of such Assistant Treasurer of Mobile County shall be not less than four thousand eight hundred (\$4800) dollars per annum nor more than five thousand four hundred (\$5400) dollars per annum, at the discretion of the County Treasurer, and shall be paid in equal monthly installments from the County Treasury of Mobile County.

Approved November 19, 1959.

Time: 2:56 P. M.

Act No. 552

H. 968—Jones (Covington)

AN ACT

Relating to the purging of voter registration lists in Covington County; providing for periodic reidentification of registered voters in Covington County and for the removal of the names of those now required by law to be stricken from the lists of registered voters in Covington County; providing for supplies to carry out reidentification and to maintain current voter files in the county; providing for the administration and enforcement of the act; and prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Covington County is hereby directed to purge all lists of registered electors of the county to the end that the names of all who are deceased or non-residents of the county or who have otherwise become disqualified from voting therein shall be removed from such lists, and to the end that the name of each qualified elector shall in the future appear on the list of qualified electors for the district and precinct in which he resides.

Section 2. The court of county commissioners, board of revenue or like governing body of Covington County is hereby authorized and directed to furnish to the board of registrars of Covington County clerical assistance, equipment, supplies, office space, telephone service, postage and publicity adequate and sufficient to enable the board to carry out the reidentification of registered voters as required herein and to carry out its functions as required by law. The clerk or clerks shall be appointed by the board of registrars with the approval of the governing body and the salary or salaries of such clerk or clerks shall be set by the county governing body.

Section 3. The board of registrars of Covington County shall be furnished by the judge of probate of the county or other custodian of the registration records, for use in setting up the alphabetical card file herein prescribed, all records on file in the probate office concerning the registration, purgation, and transfer of registered voters, dating from the adoption of the Constitution of 1901. On the basis of such information, the board

of registrars shall compile an alphabetical card file, showing the name of each registrant as it appears on the records of registration; the full name of each registrant, upon receipt of such information; the registrant's date of birth, if given on such records, or, if not so given, the age at the time of registration; the registrant's address, if given at the time of registration; the date such registrant was registered and the precinct, ward or district of registration; and the precinct, ward or district in which the name of the voter appeared on the latest-published list of qualified voters or on which it appears according to the records of the board of registrars in cases where such records are on file. Cards shall provide spaces for recording changes of addresses and transfers of registrants from one voting precinct, ward, or district to another, and for the full name of the registrant. From the records relating to purging, the board shall ascertain the names of all persons in the file of registrants who have been stricken from the registration lists, and shall place on the proper cards the date and the reason for which each such person was stricken or the fact that no reason is recorded, if such be the case. The alphabetical card file herein provided for shall hereafter be kept current by the board of registrars in all future operations.

Section 4. The board of registrars may purchase at the expense of the county, in addition to such other supplies as are required to be furnished to the board, the following supplies: forms for reidentification, applications for reinstatement on the list of registered voters; and books with removable pages, suitable for binding, for use by the board of registrars in notifying the probate judge of transfers of voters, for lists of persons registered, purged and transferred; and for such other lists as are herein required to be filed by such board.

Section 5. Upon establishment of the card file as herein required, the board of registrars shall proceed with the reidentification of registered voters.

Section 6. (a) The board of registrars of Covington County, or any member thereof, in administering the provisions of this Act, may require the voter to answer under oath such questions and submit such proof as may reasonably be required to establish the voter's identity and place of legal residence, and that he is legally registered and has not become disqualified for voting in such county. The questionnaire form for the reidentification of a voter, which shall be filled in by the applicant, and shall be subscribed and sworn to by the voter in the presence of a member of the board of registrars, shall be substantially as follows:

1. Full name.....
2. Date of birth.....

3. Mailing address.....
4. Permanent address (if not the same as in 3).....
5. Have you ever been convicted of any criminal offense other than a traffic offense?.....
6. If so, state the nature of the offense, the name of the court in which you were convicted, the approximate date, and sentence.
.....
.....
7. Have you ever been declared insane in a court proceeding?.....
8. If so, when?..... By what court?.....
9. Since registering to vote in Covington County have you ever moved your residence away from the county?.....
10. If so, when?.....
11. Where did you move to?.....
12. Have you ever registered to vote or voted in any other state or county since you registered to vote in Covington County?
.....
13. If so, where?..... When?.....
14. Have you, since moving away from Covington County, moved your residence back to Covington County?.....
15. If so, when?.....

(Signature of applicant)

Sworn to and subscribed before me this the _____ day of _____, 19_____.

(Signature of board member)

(b) On each questionnaire form the board of registrars or its clerk shall place the full name of the applicant as he or she was registered, and if the applicant is a married woman, shall state the full maiden name and married surname of the applicant, shall state the date on which the applicant was registered to vote in Covington County and the precinct, ward, or district for which he or she was registered, the date of birth or address as shown on the registration records, and the address of the applicant given at the time of registration. If the name of the applicant has been previously stricken, the date of purging, the reason for purging, and the date reinstated, if such be the case, must

also be shown on the questionnaire form by the board of registrars or its clerk. In addition, if the applicant has been convicted of any offense disqualifying him or her under the Constitution or laws of Alabama, the registrars shall ascertain whether or not he or she received a restoration of citizenship prior to being registered or reidentified, and shall also state on the questionnaire form the date of the restoration of citizenship, together with the certificate number.

(c) The following data shall also be included and shown on the questionnaire form, to be filled out by the registrars:

ACTION OF THE BOARD:

Approved_____ (Date) Disapproved_____ (Date)

Board Chairman	Board Chairman
Member	Member
Member	Member

Section 7. Persons unable to read and write shall be placed under oath and forms of reidentification shall be filled out for them by a member of the board; provided their inability to read and write is due solely to physical conditions, in the case of those persons registered since December 19, 1951. The form of reidentification application shall be the same except that it shall provide, in addition, the following statement:

_____ appearing before me,
 (Full name of applicant)
 _____ on _____
 (Board member) (Date)

states that he is unable to read and write and to fill out the reidentification form without assistance. He states that the reason for his inability is due to:

(Check one):

() Illiteracy
 () Physical condition only. He further states that the physical condition making him unable to read and write or to fill out the form is substantially as follows: _____

_____ and that such disability has existed since _____ (date).

(If illiteracy is the reason, fill out one of the following):

() Applicant was registered prior to Dec. 19, 1951.
 () Applicant was registered on or after Dec. 19, 1951.

Section 8. The board of registrars of Covington County shall require the applicant who requests assistance in the filling out of the form to answer such questions and submit such proof as

may reasonably be required to establish whether or not the voter, in fact, is physically disabled or has not ever been able to read and write due to reasons other than physical disability. In the case of persons registered on or after December 19, 1951, the board of registrars shall not be required to fill out the complete reidentification form for those requesting assistance due to illiteracy, but shall fill out only such portion as may be necessary to identify the person with the record of his registration.

Section 9. In the case of persons serving in the armed forces, and their husbands or wives who are temporarily residing with them outside the state of their legal residence, and in the case of veterans in veterans' hospitals, reidentification shall be permitted by mail; provided, however, that the reidentification form is accompanied upon its return to the board of registrars by a notarized statement from the commanding officer of the serviceman or the official in charge of the veterans' hospital setting out that the form was filled out as required herein in the presence of the undersigned by the applicant without assistance. If assistance is required by the applicant, then the form as provided for those requiring assistance shall be completed and shall be signed by the commanding officer or person in charge of the veterans' hospital who shall state his official title. The court of county commissioners, board of revenue or like governing body of Covington County shall furnish the board of registrars with reidentification forms providing for the signature of a commissioned officer of the armed forces or a person in charge of a veterans' hospital as herein provided. Upon request of the registered voter, the board of registrars shall forward a reidentification form for those requiring no assistance or a form for those requiring assistance; provided, however, that the board shall not approve the reidentification application of any illiterate person registered on or after December 19, 1951.

Section 10. The names of all persons found, by their applications for reidentification, or by other information available to the board, to have become disqualified for voting since the date of registration, or found to be illegally registered, shall be given notice in the manner required by law, and the board shall set the date for the hearing. The board shall remove names from the list of registered voters as now required by law, provided, however, that the name of any applicant found to be disqualified for remaining on the registration list may be stricken at any time the board is in session provided that the necessary notices, if required by law, have been given and a hearing, if required by law, held. No notice shall be required in the case of persons who have died, permanently moved out of the state, or have been declared insane by inquisition of lunacy.

Section 11. Any person who makes a wilfully false statement to the reidentification questionnaire or in response to re-

identification questions put to him by the board of registrars of Covington County or any of its employees shall be guilty of perjury and, upon conviction, shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 12. Whenever it is found that the name of a registered elector has been purged from the registration list of Covington County and the person so purged appears before the board of registrars and states that he is not disqualified for voting under the laws of this state, the board of registrars shall place such person under oath and shall require that he fill out the application for reinstatement herein provided. If, upon examination of the application for reinstatement and all other available information, the board of registrars of Covington County shall determine that the name was purged from the registration list by error, that the person was legally registered in the first instance, and has not since become disqualified as provided by state law, then at least two members of the board shall sign the application approving the reinstatement and the probate judge of Covington County shall be notified and a permanent record of the reinstatement shall be made in the records of the board of registrars, and reference to the reinstatement record shall be placed by the name of the persons in the records of stricken voters, and the application shall be retained as a permanent record of the board of registrars. The application for reinstatement required herein to be filled out by a person claiming to have been erroneously purged from the list of registered voters shall be furnished by the court of county commissioners, board of revenue or like governing body of Covington County to the board of registrars and shall be as follows:

Application for Reinstatement

I do solemnly swear (or affirm) that I will speak the truth, the whole truth, and nothing but the truth, so help me, God.

_____ (Signature of applicant)

_____ (Board member administering oath)

(1) I first learned on or about _____ (date) that my name had been stricken from the list of registered voters of Covington County.

(2) My present address is: _____

I have resided at this place since _____. In Covington County since _____.

(3) I registered in _____ (give year)

Have you since moved out of the county? _____

Have you since abandoned your residence in the county?

If you have been temporarily absent from the county or state since registering, give dates, place where you were, and reason for absence:.....

(4) Have you ever been convicted of any offense?.....

If so, give charge, penalty, date, place and court:.....

(5) Have you ever been legally declared insane?.....

(6) Are you able to read and write sections of the U. S. Constitution and to vote without assistance?.....

(7) Do you know any reason why you would be disqualified from voting?.....

Signed:.....

(Applicant)

APPROVED: Date..... DISAPPROVED: Date.....

.....(Board Member)(Board Member)

.....(Board Member)(Board Member)

.....(Board Member)(Board Member)

County of Covington, State of Alabama

(To be filled out by board)

Registrant's full name.....

Name as on registration records.....

Date of birth.....

Reason for striking as shown on records.....

Date of striking.....

Date registered.....

Covington County, Alabama.

Date:.....

Section 13. The court of county commissioners, board of revenue or like governing body of Covington County shall furnish the board of registrars of the county with a description, as it appears on record, of all election precincts, wards and districts within the county, and shall, in addition, furnish a map of the county with the boundary lines, as on record, drawn on the map so as to indicate such precincts, wards, and districts. Whenever the boundaries of any election precincts, wards or districts are altered or changed, the authority making such changes shall furnish the board of registrars with the revised boundaries of all such precincts, wards and districts at the same time as such boundaries are filed with the judge of probate. The board of registrars shall not be required to place the names of persons registered to vote or of persons moving from one precinct, ward, or voting district to another according to the lines of such precincts, wards or voting districts so created or so changed until such descriptions and maps as herein provided to be given have

been filed with the board of registrars and unless such have been filed at least three months before any general, special, primary, or municipal election in Covington County or any municipality thereof.

Section 14. The board of registrars of Covington County, during or upon completion of reidentification, and in all future operations, shall, in the manner prescribed by law, make transfers of registered voters from one voting precinct, ward, or district to another whenever sufficient evidence is furnished them that an elector has permanently moved from one voting precinct, ward or district to another, but shall record the transfer as herein provided. Whenever the board of registrars transfers any registered voter from one voting precinct, ward or district to another, the board shall record in a voter transfer book the full name, birth date, year of registration, previous precinct, ward, or district of voting, and the precinct, ward, or district to which the registrant is transferred, according to the findings of the board and according to the provisions of law as to the length of residence, and each action shall be given a number, starting with the number one (1). The original of the transfer record shall be filed with the judge of probate, which official shall place all names on the lists of qualified electors furnished election officials according to the actions of the board of registrars, provided notice of such action by the board is received at least two weeks prior to the election for which the list is prepared. The voter transfer books required to be maintained by this act shall be purchased by the board at the expense of the county, and such books shall be appropriate in design and composition for their purpose as declared by this act.

Section 15. The board of registrars of Covington County shall be allowed one meeting day for each 300 names on the registration list of the county, exclusive of those which have been stricken, for the purpose of conducting the reidentification of registered voters herein provided to be held periodically. The board shall set the dates of meetings, and the hours of each meeting; provided, however, the board shall be in session at each meeting no less than seven hours. The board may determine the total number of meetings required, not to exceed one per 300 registrants. The voters of the county shall be allowed a period of two years from the date voter identification began in which to apply for reidentification. A notice of the beginning of reidentification and the dates of meetings for reidentification must be published in a newspaper of general circulation in Covington County or be posted at the county courthouse at least three days in advance of any meeting held for that purpose. The number of meeting days for reidentification after the days on which notice is given, must be stated along with each notice of meeting days. Such meeting days shall be in addition to those now required

or permitted by law and no registration of persons shall be conducted when the board is in session for the purpose of reidentification. In the event the board of registrars fails to complete the voter reidentification program in the length of time allowed herein, up to 20 additional meeting days may be held, provided, written permission is granted by the court of county commissioners, board of revenue or like governing body of the county.

Section 16. For each day's attendance upon special sessions of the board of registrars under the provisions of this act, the members of the board of registrars of Covington County shall each receive the amount prescribed by law, to be paid and disbursed by the county governing body, but if any such special session is held on the same day a regular session is required to be held under the laws of this state, each registrar shall be entitled to receive only one per diem allowance for one day's service.

Section 17. All persons who have not been stricken from the registration list but who have failed to reidentify themselves by the close of the last meeting of the board for reidentification shall be advertised for striking in the manner provided for advertising names of persons who have become non-residents of the county. A date for hearing shall be set not sooner than twenty (20) days after advertising of the notice of hearing. All persons failing to reidentify themselves and failing to appear on the date specified for hearing and show cause why their names should not be stricken, shall be stricken from the registration lists as non-residents of Covington County.

Section 18. Upon the completion of reidentification, the board of registrars of Covington County shall file in the office of the judge of probate of Covington County, and in its own office, a list of all persons on the registration lists of the county who properly identified themselves and whose application for reidentification was approved; provided they had not been previously stricken, or were reinstated, and provided they were not stricken during the period of reidentification. The full name of each person shall be used, and birth dates shall be given. The person charged with the making of lists of qualified voters to be used in elections shall include thereon only the names appearing on such reidentification list or thereafter reinstated upon the registration list, or added to the registration list, and shall use the names as they appear on the list of reidentified and registered voters. Books containing the names of all persons stricken during the process of reidentification shall be filed with the judge of probate as required by law, and, in addition, a copy shall be filed at the office of the board of registrars.

Section 19. All registered voters of Covington County shall be required henceforth to maintain with the board of registrars

of Covington County current mailing addresses and such information as to places of legal residence as may be required by the board of registrars to perform its duties. Following expiration of the time for reporting information as herein provided through reidentification, if any first class mail sent to the address on file with the board of registrars is returned to the board office, or a person fails to respond to inquiry by the board concerning abandonment of residence in Covington County, the board may advertise the name of such person for removal from the list of registered electors as a non-resident, and may proceed to remove the name as otherwise provided by law.

Section 20. Any member of the board of registrars of Covington County who neglects or wilfully refuses to perform the duties herein provided in regard to the transfer, striking, and reidentification of persons whose names appear on the list of registered electors of Covington County, and in regard to keeping of records as herein provided, shall be guilty of a misdemeanor and, upon conviction, shall be subject to the same penalties as now provided by law for failure or refusal to purge the list of registration.

Section 21. The board of registrars of Covington County shall not hereafter be authorized to conduct a reidentification of registered voters in any manner other than as herein provided and reidentification shall be required to be conducted by the board of registrars of Covington County in 1970 and each 10 years thereafter, in the manner as herein prescribed; provided, however, that only one calendar year shall be used to conduct reidentifications in 1970 and thereafter.

Section 22. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 2:57 P. M.

Act No. 553

H. 983—Perry, Locke, Morrow, Edwards,
Rast, Sessions, Hawkins

AN ACT

To amend Section 1 of Act Number 65 H. 138 approved April 5, 1956, (Acts of Alabama Special Session 1956, page 357 entitled, "To provide that the Recorder's Court of any city having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census trying any person for violation of an ordinance of such city making it unlawful to engage in or conduct a lottery, to possess lottery paraphernalia, to possess gaming paraphernalia, to engage in bookmaking, to accept bets on horse racing or other sporting events, to conduct a house of prostitution, to possess, sell, give away or display obscene pictures, prints, drawings or literature, or to molest children shall upon the conviction of such

person, have the power and authority to impose a fine not exceeding three hundred dollars upon such person and to sentence him to hard labor upon the streets or public works, or in the workhouse or house of corrections of such city for not exceeding six months; to provide that this Act shall be cumulative and the power and authority hereby granted to any such Recorder's Court shall be in addition to any power and authority which such court may have under any other law either general or local.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act Number 65 H. 138 approved April 5, 1956, (Acts of Alabama Special Session 1956, page 357) entitled, "To provide that the Recorder's Court of any city having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census trying any person for violation of an ordinance of such city making it unlawful to engage in or conduct a lottery, to possess lottery paraphernalia, to possess gaming paraphernalia, to engage in bookmaking, to accept bets on horse racing or other sporting events, to conduct a house of prostitution, to possess, sell, give away or display obscene pictures, prints, drawings or literature, or to molest children shall upon the conviction of such person, have the power and authority to impose a fine not exceeding three hundred dollars upon such person and to sentence him to hard labor upon the streets or public works, or in the workhouse or house of corrections of such city for not exceeding six months; to provide that this Act shall be cumulative and the power and authority hereby granted to any such Recorder's Court shall be in addition to any power and authority which such court may have under any other law either general or local, is amended to read as follows:

Section 1. The Recorder's Court of any city having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census trying any person for violation of an ordinance of such city making it unlawful to engage in or conduct a lottery, to possess lottery paraphernalia, to possess gaming paraphernalia, to engage in bookmaking, to accept bets on horse racing or other sporting events, to conduct a house of prostitution, to possess, sell, give away or display obscene pictures, prints, drawings, or literature, or to molest children or to be a vagrant or to maliciously injure or destroy private or public property or to drive any vehicle while under the influence of intoxicating liquor or a drug, shall upon the conviction of such person, have the power and authority to impose a fine not exceeding three hundred dollars upon such person and to sentence him to hard labor upon the streets or public works, or in the workhouse or house of corrections of such city for not exceeding six months.

Approved November 19, 1959.

Time: 2:59 P. M.

Act No. 554

H. 989—Sessions, Morrow, Edwards, Rast,
Perry, Locke, Hawkins

AN ACT

To alter and extend the boundaries of the City of Birmingham, to provide for an election to submit to the qualified voters of said territory to be annexed to said City of Birmingham for their approval or rejection of such alteration and extensions.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Birmingham in the County of Jefferson, State of Alabama, are subject to the other provisions hereof hereby altered and extended so that said boundaries shall include within the corporate limits of said City all of the following described additional property not presently located in said City, to-wit:

Begin at the southwest corner of Lot 1, McCombs Addition to Killough Springs as recorded in Map Book 49, Page 86, in the Office of the Probate Judge, Jefferson County, Alabama. The said southwest corner of Lot 1 being a point on the west section line of Section 25, Township 16 South, Range 2 West; and on the present city limit line of the City of Birmingham; thence north along said west section line to the southwest corner of Section 24, Township 16 South, Range 2 West; thence east along the south line of Section 24, Township 16 South, Range 2 West; to the southeast corner of the southwest quarter of said section; thence north along the eastern line of the west one half of Sections 24 and 13, Township 16 South, Range 2 West to the northeast corner of the southeast quarter of the southwest quarter of Section 13, Township 16 South, Range 2 West; thence west along the north line of the southeast quarter of the southwest quarter to the northwest corner of the southeast quarter of the southwest quarter; thence north along the west line of the northeast quarter of the southwest quarter and the southeast quarter of the northwest quarter of said section to the southwest corner of the northeast quarter of the northwest quarter; thence east along the south line of the northeast quarter of the northwest quarter to the southeast corner of said quarter-quarter section; thence north along the east line of the northeast quarter of the northwest quarter of said section and along the west line of the southeast quarter of Section 12, Township 16, South, Range 2 West to the northwest corner of the southeast quarter of said section; thence east along the northern line of the southeast quarter of said section and the north line of the northwest quarter of the southwest quarter of Section 7, Township 16 South, Range 1 West to the southwest corner of the southeast quarter of the northwest quarter of said section; thence north along the west line of the southeast quarter of the northwest quarter of said section to the northwest corner of the southeast

quarter of the northwest quarter of said section; thence east along the northern line of the southeast quarter of the northwest quarter and the southwest quarter of the northeast quarter and the southeast quarter of the northeast quarter of said section; thence continue east along the north line of the southwest quarter of the northwest quarter of Section 8, Township 16 South, Range 1 West to the northeast corner of the southwest quarter of the northwest quarter of said section; thence south along the east line of the southwest quarter of the northwest quarter of said section to the southwest corner of the southeast quarter of the northwest quarter of Section 8, Township 16 South, Range 1 West; thence east along the south line of the southeast quarter of the northwest quarter to the northeast corner of the northeast quarter of the southwest quarter of Section 8, Township 16 South, Range 1 West; thence south along the west line of the southeast quarter of Section 8, Township 16 South, Range 1 West; and the west line of the east half of Section 17, Township 16 South, Range 1 West, to the northwest corner of the northeast quarter of Section 20, Township 16 South, Range 1 West; thence west along the north line of Section 20, Township 16 South, Range 1 West to the northwest corner of said section; thence south along the west line of said section to the southwest corner of said section 20 and the present city limits line of the City of Birmingham; thence west along the said city limits line to the point of beginning.

Section 2. Upon the filing of a certified copy of a resolution of the Commission of the City of Birmingham within thirty days of the effective date of this Act said resolution stating the willingness of the said City of Birmingham to the inclusion of the above described property within the corporate limits of said City, the Judge of Probate of Jefferson County, Alabama, shall make and enter an order upon the minutes of said court directing and ordering an election to be held by the qualified voters residing within the territory described, which is to be annexed to said City, said election to be held within 40 days from the entry of said order. Said election shall be held to determine whether or not a majority of the voters residing within the territory above described to be annexed to said City and who actually vote in said election favor the annexation to said City of said territory above described. Said judge shall give notice of the holding of said election by publication in a newspaper published within the City of Birmingham, which notice shall state the day on which such election is to be held, the voting place or places designated by the Chairman of the Board of Registrars of said County, the boundaries within which voters must reside to vote at the respective voting places, which must be brought into the City of Birmingham and such notice shall give a description of the territory proposed to be annexed and must state

that a map of said territory is on file in the Office of the Judge of Probate of said County, open to the inspection of the public.

Section 3. The Chairman of the Board of Registrars of said County may designate as many places within the territory hereby proposed to be annexed to said City as he may determine necessary for the convenience of the voters and must designate the boundaries within which the voters must reside to vote at the respective voting places and the Election Commission of Jefferson County shall appoint three inspectors of election, two clerks and one returning officer for each voting place, which inspectors shall manage the election at the respective voting places at which they are appointed as inspectors.

Section 4. Each qualified voter who has resided within the boundaries of the territory hereby proposed to be annexed to said City for three months next preceding the election may vote at said election but must vote at the voting place designated by the Chairman of the Board of Registrars for voters in the territory in which he resides.

Section 5. Said election must be conducted in all respects as provided by the general election laws and under the same sanction and penalties, except as changed by the provisions of this Act, and except that an official ballot need not be provided. There shall be no voting by absentee ballot.

Section 6. Each voter may furnish his own ballot with the following words written thereon: "For annexation", if he desires to vote in favor of annexing the territory to the City, or "Against annexation", if he desires to vote against annexing the territory to the City. It shall not be necessary for the ballot to be of any particular size, form or color.

Section 7. The inspectors at the respective voting places must, as soon as the polls are closed, ascertain and certify the results of the election at their respective places to the Judge of Probate of Jefferson County, at Birmingham, Alabama, and deliver the same to the returning officer, who must at once return the same to the Judge of Probate of Jefferson County, Birmingham, Alabama, and said Judge must canvass the returns as made by the inspectors, and if it appears that a majority of the votes cast at the election were "for annexation" said Judge shall make and enter an order on the records of said Probate Court on Jefferson County, Alabama, recording such fact, and from the time of the entry of said order this Act shall be fully effective and the boundaries of said City of Birmingham shall be as set forth. If it appears that a majority of the votes cast at the election are "against annexation" the Judge of Probate shall make and enter an order on the records of said County recording such fact, and this act shall not be effective, and the boundaries

of said City shall be and remain as they were before the passed of this Act.

Section 8. The result of such election may be contested by any qualified elector voting at the election under the same provisions as are provided by general law for contesting the election of a Justice of the Peace, making the City the contestee. The City of Birmingham shall pay all costs and expenses incident to the election, except such costs and expenses incurred in an unsuccessful contest of such election, in such event said unsuccessful contestant shall pay such costs and expenses.

Section 9. The Probate Judge shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him, and all other officers shall be entitled to the same compensation for services rendered by them, as they are authorized by law to charge and collect for similar services rendered by them, and said City of Birmingham shall pay all costs and expenses except in the case of a contest as herein provided.

Section 10. That this Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved November 19, 1959.

Time: 3:00 P. M.

Act No. 555

H. 992—Sessions, Morrow, Edwards,
Rast, Perry, Locke, Hawkins

AN ACT

To alter and extend the boundaries of the City of Birmingham to provide for an election to submit to the qualified voters of said territory to be annexed to said City of Birmingham for their approval or rejection of such alteration and extensions.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Birmingham, in Jefferson County, State of Alabama, are, subject to the other provisions hereof hereby altered and extended so that said boundaries shall include within the corporate limits of said City all of the following described additional property not presently located in said City, to-wit:

Begin at the southwest corner of Section 20, Township 16 South, Range 1 West; thence north along the west line of said section to the northwest corner of Section 20, Township 16 South, Range 1 West; thence east along the north line of Section 20, Township 16 South, Range 1 West to the Northeast corner of said Section; thence south along the east line of said Section 20, Town-

ship 16 South, Range 1 West to the southeast corner of said section; thence west along the south line of Section 20, Township 16, South, Range 1 West to the southwest corner of the southeast quarter of said section, said southwest corner being a point on the eastern city limit line of the City of Birmingham; thence follow the said City limit line as follows: 362.5 feet north from said quarter section corner; thence west and parallel with the south line of Section 20, Township 16 South, Range 1 West a distance of 362.7 feet; thence south 170 feet; thence northwest 563.0 feet; thence northeast 60.0 feet; thence northwest 222.6 feet to the southeast line of the Old Springville Road; thence southwest along the southeast line of the Old Springville Road to the west line of the southeast quarter of the southwest quarter of said section; thence south along said west line of said quarter-quarter section to the south line of Section 20, Township 16 South, Range 1 West; thence west along said south line of said section to the southwest corner of said section, said corner being the point of beginning.

Section 2. Upon the filing of a certified copy of a resolution of the Commission of the City of Birmingham, within thirty days of the effective date of this Act said resolution stating the willingness of the City of Birmingham to the inclusion of the above described property within the corporate limits of said City, the Judge of Probate of Jefferson County, Alabama, shall make and enter an order upon the minutes of said court directing and ordering an election to be held by the qualified voters residing within the territory described, which is to be annexed to said City, said election to be held within 40 days from the entry of said order. Said election shall be held to determine whether or not a majority of the voters residing within the territory above described to be annexed to said City and who actually vote in said election favor the annexation to said City of said territory above described. Said judge shall give notice of the holding of said election by publication in a newspaper published within the City of Birmingham, which notice shall state the day on which such election is to be held, the voting place or places designated by the Chairman of the Board of Registrars of said County, the boundaries within which voters must reside to vote at the respective voting places, which must be within the territory proposed to be brought into the City of Birmingham and such notice shall give a description of the territory proposed to be annexed and must state that a map of said territory is on file in the Office of the Judge of Probate of said County, open to the inspection of the public.

Section 3. The Chairman of the Board of Registrars of said County may designate as many places within the territory hereby proposed to be annexed to Said City as he may determine necessary for the convenience of the voters and must designate the

boundaries within which the voters must reside to vote at the respective voting places and the Election Commission of Jefferson County shall appoint three inspectors of election, two clerks and one returning officer for each voting place, which inspectors shall manage the election at the respective voting places at which they are appointed as inspectors.

Section 4. Each qualified voter who has resided within the boundaries of the territory hereby proposed to be annexed to said City for three months next preceding the election may vote at said election but must vote at the voting place designated by the Chairman of the Board of Registrars for voters in the territory in which he resides.

Section 5. Said election must be conducted in all respects as provided by the general election laws and under the same sanction and penalties, except as changed by the provisions of this Act, and except that an official ballot need not be provided.

There shall be no voting by absentee ballot.

Section 6. Each voter may furnish his own ballot with the following words written or printed thereon: "For Annexation", if he desires to vote in favor of annexing the territory to the City, or "Against annexation", if he desires to vote against annexing the territory to the City. It shall not be necessary for the ballot to be of any particular size, form or color.

Section 7. The inspectors at the respective voting places must, as soon as the polls are closed, ascertain and certify the results of the election at their respective voting places to the Judge of Probate of Jefferson County, at Birmingham, Alabama, and deliver the same to the returning officer, who must at once return the same to the Judge of Probate of Jefferson County, Birmingham, Alabama, and said Judge must canvass the returns as made by the inspectors, and if it appears that a majority of the votes cast at the election were "for annexation" said Judge shall make and enter an order on the records of said Probate Court of Jefferson County, at Birmingham, Alabama, recording such fact, and from the time of the entry of said order this Act shall be fully effective and the boundaries of said City of Birmingham shall be as above set forth. If it appears that a majority of the votes cast at the election are "against annexation" the Judge of Probate shall make and enter an order on the records of said County recording such fact, and this act shall not be effective, and the boundaries of said City shall be and remain as they were before the passage of this Act.

Section 8. The result of such election may be contested by any qualified elector voting at the election under the same provisions as are provided by general law for contesting the election of a Justice of the Peace, making the City the contestee. The

City of Birmingham shall pay all costs and expenses incident to the election, except such costs and expenses incurred in an unsuccessful contest of such election, in such event said unsuccessful contestant shall pay such costs and expenses.

Section 9. The Probate Judge shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him, and all other officers shall be entitled to the same compensation for services rendered by them, as they are authorized by law to charge and collect for similar services rendered by them, and said City of Birmingham shall pay all costs and expenses except in the same of a contest as herein provided.

Section 10. That this Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved November 19, 1959.

Time: 3:01 P. M.

Act No. 556

H. 994—Sessions, Perry, Edwards,
Hawkins, Morrow, Locke,
Rast

AN ACT

To establish a pension and relief or retirement and relief system for firemen and policemen who are members of any pension and relief or retirement and relief system heretofore established or hereafter established under Act Number 929 of Legislature of Alabama of 1951, Approved September 12, 1951 (Acts of Alabama 1951, page 1579 et seq. as amended) and on whose account, or for whose benefit, the city by whom they are employed makes no contribution, or pays no tax, to the United States of America under the Federal Social Security Act; to provide certain disability benefits for such firemen and policemen and also certain benefits for the widows and children of any such firemen or policemen who die; to make provision for a supplemental retirement benefit for such firemen and policemen, if and when said Act No. 929 is amended as stipulated in this act; to provide that from the funds of the system established by this act certain payments shall be made to the fund of the system established by said Act No. 929, subject to said Act No. 929 being amended so as to authorize the Board of Managers of the system created by said Act Number 929 to receive said payments; to establish a Board of Managers for the pension system hereby created and to provide for the method of selection of the said board and to define the power, authority and duties of the said Board of Managers; to provide for the actuarial study, investigation and report showing the probable ability or inability of the fund hereby created to meet the benefits provided for by the system created by this Act; to provide for paying from funds of the system expenses incurred in securing any such actuarial study, investigation and report; to provide that at least sixty days prior to the convening of the Regular Session of the Legislature of Alabama of 1961 the Board of Managers shall present to each member of the House of Representatives and of the Senate of the Legislature of Alabama residing in any county or Senatorial District wherein there is established any

pension system provided for by this Act the report and survey of a competent actuary stating his opinion as to the ability of the funds and resources of the said system to meet the benefits provided, which said report or survey shall give such opinion separately and severally with respect to each of the said benefits, and which said report or survey shall contain the opinion of the said actuary as to whether he considers any change in the benefits necessary in order to assure solvency of the fund, and if so, what change or changes he considers necessary; and to provide that the Board of Managers shall present to the members of the House of Representatives and the Senator designated above a similar actuarial report or survey at least once every four years sixty days prior to the convening of a Regular Session of the Legislature of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words, terms and phrases, wherever used in this Act, shall have the meanings respectively ascribed to them, unless the context plainly indicates otherwise or that a more restricted meaning is intended. "Act Number 929." This term shall mean Act Number 929 of the Legislature of Alabama of 1951, Approved September 12, 1951 (Acts of Alabama of 1951, page 1579, et seq.), as heretofore amended, which established in and for every city of the State of Alabama having a population of 250,000 or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officials of such city and their widows and children. "City". This word shall mean and have reference to any city wherein there has heretofore been established, or is hereafter established, a pension and relief or retirement and relief system for municipal officers and employees provided for by Act No. 929. "The General Retirement and Relief System". This term shall mean any pension and relief or retirement and relief system established by said Act No. 929. "Fireman" or "Firemen". These terms shall mean a fireman or firemen belonging to a General Retirement and Relief System on whose account the city makes no contribution, or pays no tax, to the United States of America under the Federal Social Security Act. "Policeman" or "Policemen". These terms shall mean a policeman or policemen belonging to a General Retirement and Relief System on whose account the city makes no contribution, or pays no tax, to the United States of America under the Federal Social Security Act. "Payroll Deductions". This term shall mean the deductions which Section 9 of Act no. 929, as last amended or as hereafter amended, requires to be made monthly from the salary of an employee belonging to the General Retirement and Relief System and paid into the pension fund of said last named system.

Section 2. Purpose of this Act. It is the intent of the Legislature that the additional benefits provided by this Act shall be payable solely from the fund established by Section 6 hereof, and that in no event shall any such additional benefit be payable from the fund established under Act No. 929, or from any other

fund, account or revenues of the city. If it shall be disclosed by the financial condition of the fund as determined by the actuarial report or survey required in Section 4 of this Act that the fund, together with the anticipated interest thereon and the estimated future contributions provided in Section 6 hereof will be or is insufficient to maintain the additional benefits herein provided, then the Board of Managers shall be chargeable with the duty of placing into effect immediately such reduction or elimination of benefits, pro rata, as will cause the fund to be sufficient to maintain the benefits herein provided, in the following order of priority of reduction or elimination: First, the supplemental Retirement Allowances payable (then or thereafter) under Section 8 hereof; second, the Supplementary Ordinary Disability allowances payable (then or thereafter) under Section 7 hereof; third, the Death Benefit for Widows and Children provided in Section 9 hereof. It is further the intent of the Legislature that the payments to be made out of the fund created by this Act into the fund of the General Retirement and Relief System, as provided in Section 4 hereof, shall be a first charge against the assets and revenues of the fund.

Section 3. There is hereby established in and for the city a pension system which shall be known as Firemen's and Policemen's Supplemental Pension System. For the purpose of brevity the last named system will at times hereinafter be referred to as "the Supplemental Pension System".

Section 4. Board of Managers. There shall be a Board of Managers of three members for the administration, management and control of the Supplemental Pension System, including administration, management, control, acquisition and disbursement of the fund. The Board shall consist of the President of the governing body of the city, who shall be Chairman of the Board, and two associate members, designated respectively as "Member No. 1" and "Member No. 2". Member No. 1 shall be appointed by the Personnel Board. Member No. 1 shall be a person who at the time of his appointment is, and for a period of five consecutive years immediately preceding his appointment has been, an officer of, or the occupant of an executive position with, an insurance company issuing annuity policies and policies of disability insurance, the principal place of business of which insurance company is located within the city; provided, however, that if any such person is not available, the Personnel Board in appointing Member No. 1 shall select from the persons available that person who in the opinion of the Personnel Board is best qualified to discharge the duties of a member of the Board of Managers. Member No. 2 shall be elected from employees belonging to the Supplemental Pension System at an election to be held within sixty days from the date on which this Act becomes effective. The employee receiving a plurality of votes at

the election shall be elected. At the first election to be held hereunder employees belonging to the System may vote for a fireman or policeman to hold the position to be occupied by Member No. 2 on the Board. In any election subsequent to the first election employees voting in such subsequent election shall not vote for any member of the System belonging to the same department (that is fire department or police department, as the case may be) to which the person last elected Member No. 2 for a full term belonged at the time of his election. The purpose of the next preceding sentence is to rotate Member No. 2 between the fire department and the police department of the city. The governing body of the city shall have the authority to prescribe rules and regulations concerning the notice of and conduct of the election to select Member No. 2. Member No. 1 and Member No. 2 shall hold office for a period of four years, with the first term for both commencing on the date on which the first Member No. 1 and the first Member No. 2 have both been selected.

The Board shall meet on the second Thursday in each calendar month; provided, however, that the Board shall not be required to meet unless there is pending before the Board some application for a pension, relief or benefit or unless there is pending some other matter requiring consideration by the Board; and provided, further, that the Board by and through a resolution adopted by it may change the regular meetings from Thursday to such other time as may be convenient to the Board. Any two members of the Board, after due notice having been given to all members of the Board, may meet in special meeting and transact any business of the Board provided the Secretary shall be present and record the proceeding of the special meeting as hereinafter provided. The Board shall meet in the office of the Chairman, or such other place as the Board may designate.

The personnel director shall be secretary of the Board and shall be present at every meeting of the Board, and keep a record of all proceedings of the Board and of all orders and decisions of the Board. Neither the secretary nor any member of the Board shall receive any salary or compensation for his services as such except member number one, who shall receive ten dollars for each meeting attended, but not more than twenty dollars for meetings attended in any calendar month. Two members of the Board, when assembled in either regular or special meeting, shall constitute a quorum for the transaction of any and all business of the Board, and the affirmative vote of two members shall be necessary and sufficient to pass any motion or resolution. The Board is empowered to make rules and regulations not inconsistent with the provisions of the system in relation to its affairs and the system. The Board shall receive, investigate and pass upon all applications for retirement and disability and widow allowances and shall make retirement and disability and widow allowances in accordance with the system to all persons

entitled thereto under the system, and its decision upon all matters of fact shall be final and conclusive unless it shall be affirmatively made to appear that its decision is plainly and manifestly wrong. The Board is authorized to borrow money up to the par value of the securities of the fund and to pledge such securities for repayment of the money borrowed. No money of the fund shall be invested, paid out or disbursed except pursuant to order or authorization of the Board. The Board shall be trustee, and have entire management and control of the fund, and shall direct investment of monies of the fund not needed to meet disbursements provided for in this Act in the loans to members hereinafter referred to and in bonds of the United States, the State of Alabama and any municipality of Alabama, and in bonds of corporations organized under Federal laws or under the laws of any State of the United States; provided, however, that no funds shall be invested in bonds of private corporations unless such bonds are listed upon exchanges subject to the jurisdiction of the Securities and Exchange Commission, and the aggregate par value of the funds invested in such bonds of corporations last referred to above shall not exceed one third ($\frac{1}{3}$) of the par value of all investments of the fund exclusive of loans to members. In addition to methods of removal hereinabove provided for, any member of the Board may be removed by impeachment for corruption or malfeasance or misfeasance in office or for habitual neglect of duty. From the fund of the system created by this Act the Board of Managers shall pay to the fund of the General Retirement and Relief System the amounts hereinafter specified. When any fireman or policeman retires on length of service, as is hereinafter provided for in Section 8, the Board of Managers of this system shall pay from the fund of this system the amount specified in the next succeeding sentence during each month between the date on which such fireman or policeman retired and the date on which he would have been entitled to receive a retirement allowance from the General Retirement and Relief System for thirty years service had he not retired, but had continued to serve without interruption as a member of the General Retirement and Relief System until entitled to receive from said last named system a retirement pension based on thirty years service. The amount which the Board of Managers created by this Act shall pay to the fund of the General Retirement and Relief System, during the period specified in the next preceding sentence shall be the sum of the amount which the city would have deducted from the salary of such fireman or policeman and would have paid into the fund of the General Retirement and Relief System had such fireman or policeman continued to be employed by the city during the period specified in the next preceding sentence at the same salary from which the deductions were made by the city at the time he retired under Section 8 of this Act plus the amount which

the city during the said last named period would have paid from funds of the city into the funds of the General Retirement and Relief System to match said salary deductions had the said fireman or policeman continued to work until entitled to retire on a pension based on thirty years service as aforesaid.

At least sixty days prior to the convening of the Regular Session of the Legislature of Alabama of 1961 the Board of Managers shall present to each member of the House of Representatives and of the Senate of the Legislature of Alabama residing in any county or Senatorial District wherein there is established any pension system provided for by this Act the report and survey of a competent actuary stating his opinion as to the ability of the funds and resources of the said system to meet the benefits provided, which said report or survey shall consider the cost of each of the said benefits separately and severally. If the actuary concludes that any reduction in benefits is necessary in order to assure the solvency of the fund, then in his report he shall include his recommendations as to what reductions should be made, to the end that the said Board may make such reductions in benefits as may be required to assure the solvency of the said fund. It is expressly provided that no claim for any benefit provided for by this Act shall be an obligation against the city, or the General Retirement and Relief System, it being the intention and purpose of this Act that the only funds out of which the benefits provided for by this Act will be paid shall be the fund of this pension system which said system is established upon the petition of the firemen and policemen belonging to the said system, with the express understanding on their part that the firemen and policemen and the dependents of firemen and policemen claiming benefits hereunder shall look only to the fund hereby created for the payment of benefits provided and with the full understanding upon the part of said firemen and policemen that the benefits provided for hereby will be reduced if reduction thereof is required in order to assure the solvency of the said fund. The said actuarial report or survey shall contain the opinion of the said actuary as to whether he considers any change in the benefits necessary in order to assure solvency of the fund, and if so, what change or changes he considers necessary. After the Regular Session of the Legislature of Alabama of 1961 the Board of Managers shall present to the members of the House of Representatives and the Senator designated above a similar actuarial report or survey at least once every four years sixty days prior to the convening of a Regular Session of the Legislature of Alabama. The Board of Managers shall not employ the same actuary, or firm actuary, to make two consecutive reports or surveys required to be submitted to the members of the House of Representatives and Senator above designated. The Board of Managers shall have authority to secure other actuarial studies, investigations and reports at such other times as may seem proper to the Board.

From the fund of the system the Board of Managers shall pay the cost of securing any such actuarial reports, surveys or investigations.

Section 5. Membership. The following shall be members of the Supplemental Pension System hereby created: Members of the fire department or police department of the city who belong to the General Retirement and Relief System, created by Act No. 929 on whose account the city makes no contribution, or pays no tax, to the United States of America under the Federal Social Security Act.

Section 6. Retirement and Relief Fund. (a) For the purpose of the deductions from salary provided for in this Section 6 the salary of a fireman or policeman shall be deemed to be the same as his salary is for the purpose of payroll deductions provided for in Section 9 of Act No. 929, as heretofore or hereafter amended.

(b) At the end of each payroll period subsequent to the effective date of this Act, the city shall deduct from the salary of each fireman or policeman for such payroll period an amount equal to two and 35/100 per centum (2.35%) of his salary for such payroll period.

(c) The city shall promptly pay each and every deduction of salary provided for into a Retirement and Relief Account hereinafter referred to as "The Fund". At the same time the city pays into the fund any deduction from the salary of any employee member, the city shall match such deduction by paying into the fund from its general and other appropriate funds an amount equal to the full amount of such deduction. The City Comptroller is specifically charged with the duty of making such deductions from salaries and of making such payments into the fund. The fund shall include all assets of the fund in any form, and the city comptroller shall be ex-officio, the custodian of the fund. The custodian shall keep a separate account of the fund and of all assets and liabilities thereof and of all receipts and disbursements thereof and of all prior service time and paid membership time of employee members. The custodian shall keep all monies of the fund in a separate bank account. The custodian shall keep in force and effect a bond in a penal amount equal to the total amount of monies and securities in his custody or possession, but in no event in excess of fifty thousand dollars, payable to the Board and conditioned for faithful performance of his duties and for faithful accounting to the Board for all monies, securities and property coming into his custody or possession as such custodian. Such bond shall be executed by a surety company authorized to do business in the State of Alabama, and the premium on such bond, and all necessary expenses of the Board, shall be paid out of the fund upon order of the

Board. All bonds and securities acquired for the fund and which are registerable as to principal shall be registered by the custodian in the name of the system promptly upon acquisition and shall remain so registered until sold or otherwise disposed of by authority of the Board. The Board may select a banking institution located within the territorial jurisdiction of the city as subcustodian of securities, with authority to collect and remit to the custodian principal and interest of securities entrusted to its custody as the same may mature, and pay it such reasonable fees or compensation for its services as the Board may deem proper, and the Board may, if it sees fit, waive bond of such institution as subcustodian so long as the net worth of the subcustodian exceeds one and one-half times the total par value of the securities entrusted to its custody. Securities in the custody of such subcustodian shall not be counted as in the custody of the custodian for the purpose of computing the amount of the custodian's bond. The Board is authorized to accept and receive gifts, donations or legacies for the fund, and to administer same as may be directed by the donors. In the adjudication of claims against the fund, the records of the city comptroller and custodian made and kept for the purpose of this act shall be deemed *prima facie*, to speak the truth.

Section 7. Supplemental ordinary disability allowance.

The words, term and phrases used in this Section 7 shall have the meaning ascribed to them by Act No. 929, unless it appears from the context that a different meaning is intended. Any policeman or fireman who is granted an ordinary disability allowance under Act No. 929 shall receive under this Act a supplemental ordinary disability allowance in the amount hereinafter specified so long as he receives the ordinary disability allowance under said Act No. 929. The supplemental disability allowance payable to the fireman or policeman under this Act shall be in such amount that the sum of the ordinary disability allowance he receives under Act No. 929 and the supplemental disability allowance he receives under this Act shall be equal to 2% of his final average salary for each year of creditable service; provided, however, that in any event the amount of the supplemental ordinary disability allowance such fireman or policeman receives under this Act shall be such that the sum of the ordinary disability allowance he receives under Act No. 929 and the supplemental ordinary disability allowance he receives under this Act shall not be less than twenty five per cent (25%) of his final average salary or more than fifty per cent (50%) of his final average salary.

Section 8. Supplemental Retirement Allowance. The words, terms and phrases used in this Section 8 shall have the meaning ascribed to them by Act No. 929, unless it appears from the con-

text that a different meaning is intended. No policeman or fireman shall receive the retirement allowance provided for by this Section prior to September 21, 1964; and no policeman or fireman shall receive the retirement allowance provided for by this Section until Act No. 929 has been amended so as to authorize the Board of Managers of the General Retirement and Relief System provided for by said Act No. 929 to receive from the Board of Managers created by this Act the payments provided for by Section 4 of this Act nor until said Act No. 929 has been amended so as to provide that any fireman or policeman who, regardless of age, has accumulated twenty five or more years of creditable time shall be entitled to voluntary retirement from the service and obtain the retirement allowance provided for in Act No. 929, subject, however, to the condition or limitation that payment of the retirement allowance under Act No. 929 shall not commence until the date on which such fireman or policeman would have accumulated thirty years creditable time under Act No. 929 had he continued to remain in the service. After Act No. 929 has been amended, as aforesaid, any policeman or fireman granted a voluntary retirement allowance under Act No. 929 on less than thirty years creditable service, the payment of which allowance shall commence when he would have had thirty years creditable time had he not retired, shall receive from the fund of the system created by this Act a monthly retirement allowance each month between the date on which he retires from service and the date on which he would have accumulated thirty years creditable time had he not retired, which monthly retirement allowance shall be in an amount equal to fifty per cent (50%) of his final average salary at the time of his retirement, plus one-half of one percentum ($\frac{1}{2}$ of 1%) of his final average salary multiplied by the number of years of his creditable time in excess of twenty five years of his creditable time. The payment of the retirement allowance provided for hereby shall cease on the date on which such fireman or policeman would have accumulated thirty years creditable time in the General Retirement Relief System, created by Act No. 929, had he continued to serve from the date of his retirement.

Section 9. Death Benefit for Widows and Children. The words, terms and phrases used in this Section 9 shall have the meaning ascribed to them by Act No. 929, unless it appears from the context that a different meaning is intended. This Section shall not apply to any fireman or policeman unless such fireman or policeman, as the case may be, within the time hereinafter specified, designates the Board of Managers of the Supplemental Pension System to receive the return of contributions made by him to the General Retirement and Relief System, created by Act No. 929. Any fireman or policeman employed by the city on the date this act becomes operative as to the city shall make such designation within sixty days from said date; and any

fireman or policeman entering the service of the city subsequent to the date on which this act becomes operative as to the city shall make such designation within thirty days from the date on which he enters the employ of the city as a fireman or policeman. This section shall not apply as to any such fireman or policeman who after having designated the Board of Managers of the Supplementary Pension System, as aforesaid, changes the designation. This Section shall not be construed to provide any benefit for any widow or child of any deceased fireman or policeman who are entitled to receive benefits as the widow or child of deceased fireman or policeman under Act No. 929, whether such benefits be based on death in line of duty or on the fact that prior to the death of the fireman or policeman, as the case may be, he had accumulated sufficient creditable time to entitle him to receive a retirement allowance, it being the intention of this Section to provide benefits for widows and children of firemen and policemen, to the extent herein specified, where such widows and children are not entitled to receive any benefits under said Act No. 929.

This Section shall not apply to any fireman or policeman, or to the widow or children of any such fireman and policeman unless such fireman or policeman, as the case may be, has accumulated ten or more years of creditable time at the date of his death. All of the provisions of this Section hereinafter set forth shall be subject to all of the conditions and limitations hereinabove set forth in this Section. If any fireman or policeman having ten or more years creditable time shall die, his widow, if any, without regard to the time during which the marriage existed, shall be entitled to a monthly allowance of forty per centum (40%) of the final average salary of such deceased member, plus a monthly allowance of Ten Dollars (\$10.00) per month for each child of such widow by such deceased member until such child shall marry, die or reach the age of eighteen (18) years, whichever may first occur. In the event such deceased member leaves no widow surviving or in the event of the death of his widow, the allowance provided hereby for any child of such deceased member shall be payable to the legal guardian or to the person who has legal custody of said child for the use and benefit of said child. The total amount of monthly allowance payable under this Section to the widow and child or children of the deceased member shall in no event exceed fifty per centum (50%) of the final average salary of such deceased member. In the event there is more than one child of such deceased member entitled to an allowance under this Section, the widow, if any, shall nevertheless receive forty per centum (40%) of the deceased member's salary, as provided hereinabove; and the allowances for the children, so long as there are a widow and more than one child receiving an allowance hereunder, shall be reduced equally so that in no event shall the total allowances paid

under this Section exceed fifty per centum (50%) of the final average salary of such deceased member.

Section 10. It is hereby provided that the provisions of those Sections of Act No. 929 hereinafter in this Section specified shall apply to this Supplemental Pension System in the same manner in which the same provisions of the said Sections hereinafter specified apply to the General Retirement and Relief System established by said Act No. 929. The said Sections of said Act No. 929 (including any amendments thereof heretofore made) which shall apply, as aforesaid, to this Supplemental Pension System are the following Sections of said Act No. 929: Section 15 (entitled Reduction of Allowances); Section 16 (entitled Loans to Employee Members); Section 19 (entitled Liabilities of Employee Members to Fund); Section 20 (entitled False Representations); Section 21 (entitled Exemptions); Section 22 (entitled Members in Armed Forces) and Section 24 (entitled Repeal and Amendment Reservation). The provisions of Section 18 of Act No. 929, entitled Separation from Service; Return of Contributions; Reemployment and Restoration of Returned Contributions; provided, however, that anything in said Section 18 (or in any other Section) of said Act No. 929, to the contrary notwithstanding, contributions made by any deceased employee member to the Supplemental Pension System during his life shall not be payable to any person if anyone receives any benefit under Act No. 929 or under this Act on account of the death of such deceased employee member.

Section 11. In the event that any clause, sentence, paragraph, section, idea, or other part, portion or provision of this Act is held unconstitutional, such holding shall not affect the remainder of this Act; it being hereby declared to be the intention of the Legislature that should any part or portion whatsoever of this Act be held unconstitutional the remainder shall be in full force and effect, and that the Legislature would have passed this Act without such invalid portion. Without limiting the generality of the foregoing it is hereby expressly declared and provided that if every provision of this Act excepting the enacting clause and the provisions requiring contributions from the salaries of firemen and policemen and matching contributions from funds of the city to be paid into the fund created by this Act should be held invalid or inoperative, then in that event the said enacting clause and the said provisions requiring contributions from the salaries of firemen and policemen and requiring matching contributions from the city shall remain in force and effect so as to establish a supplemental pension fund out of which there can hereafter be made provision for paying to the said firemen and policemen out of said supplemental fund such additional benefits as it may hereafter be established can be paid from the said supplemental fund on a sound actuarial basis.

Section 12. This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 3:03 P. M.

Act No. 557

H. 996—Perry, Morrow, Edwards, Hawkins,
Locke, Rast, Sessions

AN ACT

To authorize the incorporation in any county in this state having a population of 500,000 or more, according to the last or any succeeding Federal Census, of a health care authority as a public corporation for hospital purposes, including, among others, the making of provisions for medical and hospital aid to the indigent sick of such county; to provide a method of effecting the incorporation of such authority and electing the members of its board of directors and its officers; to specify the powers of such board of directors and the powers of such authority; to provide for the payment to such authority by the county in which it is organized of all revenue received and held by such county from any tax levied by the state for the benefit of the county for health and medical care of indigent residents of the county, and to authorize such county to allocate and pay other funds to such authority; to provide for the expenditure of the funds of such authority for any of its corporate purposes; to authorize the sale and issuance of securities by such authority for any of its purposes; to authorize such authority to provide the details of such securities and the pledge of revenues of the authority and the execution of mortgages or deeds of trust as security thereof; to provide that such securities shall constitute negotiable instruments; to provide that the properties and income of such authority, the securities issued by it and the interest payable thereon, and all mortgages and other instruments executed as security therefor shall be exempt from taxation; to authorize investment of fiduciary funds in securities by such authority; to require the making of annual reports and the submission of an annual budget to the governing body of such county; to provide the time and method of dissolution of such authority; to provide that the formation and dissolution of one or more such authorities shall not prevent the subsequent formation of another authority in the same county; and to authorize such county and any municipality therein to transfer to such authority projects and funds acquired or allocated for any of the purposes for which such authority shall have been organized.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Findings. The legislature hereby recognizes, determines, finds and declares that because of rapid and continuing growth of the population centers and urban areas of the state, the increasing number of indigent persons in such population centers and urban areas, and the consequent increasing burden on the limited medical and public health facilities in such centers and areas that are available for the care of such indigent persons, it is desirable that additional methods of providing for the medical and health care of indigent persons be made available in the more populous counties of the state. The

legislature hereby declares that it is necessary and in the public interest that health care authorities be authorized to be organized as public corporations in such counties with the powers hereinafter specified. This act shall be liberally construed to give effect to its purpose. Health care authorities organized hereunder shall be non-profit public corporations, and no part of the net earnings thereof shall inure to the benefit of any member or trustee thereof or other individual or private corporation.

Section 2. Definitions. The following words, wherever used herein, shall, in the absence of clear implication herein otherwise, have the following respective meanings:

(a) "The authority" means a health care authority organized as a public corporation pursuant to the provisions of this act.

(b) "The county" means that county in the state in which the authority is organized.

(c) "Governing body", when used with reference to the county, means the court of county commissioners, board of revenue or other like body in which the legislative functions of the county are vested by law.

(d) "Securities" means bonds, notes, certificates of indebtedness, warrants or other evidences of indebtedness.

(e) "Project" includes the plural as well as the singular and means public hospitals of all types, public clinics, public health centers, sanitariums and related public health facilities such as laboratories, out-patient departments, nurses' homes and nurses' training facilities, and central service facilities operated in connection with any such public hospitals and health facilities.

Section 3. Authority to Incorporate. Whenever any number of natural persons, not less than three, shall file with the governing body of any county in the state having a population of five hundred thousand or more, according to the last or any succeeding federal census, an application in writing for permission to incorporate a health care authority as a public corporation in the manner hereinafter provided, and if it shall be made to appear to the governing body of such county that each of said persons is a duly qualified elector of and owner of property in said county, and if the governing body of the county shall adopt a resolution, which shall be duly entered upon the minutes of such governing body, wherein it shall be declared that it will be wise, expedient and necessary that such an authority be formed and that the persons filing said application shall be authorized to proceed to form the authority, then said persons shall proceed to become the incorporators of the authority in the manner hereinafter provided. No authority shall be formed hereunder unless the ap-

plication herein provided for shall be made and unless the resolution herein provided for shall be adopted.

Section 4. Contents of Certificate of Incorporation. The certificate of incorporation of the authority shall state: the name of the authority (which shall be "_____ County Health Care Authority" if such name is available for use by the authority and if not available then the incorporators shall designate some other similar name that is available); the location of its principal office and the post office address thereof; and the period, if any, for the duration of the authority (if the duration of the authority is to be perpetual, this fact shall be stated). The certificate of incorporation may also contain any provisions not contrary to law which the incorporators may choose to insert for the regulation and conduct of the affairs of the authority. The form and contents of the certificate of incorporation must be submitted to the governing body of the county for its approval, which shall be evidenced by resolution duly entered on the minutes of said governing body.

Section 5. Recording of Certificate of Incorporation. The certificate of incorporation shall have attached thereto a certified copy of the resolution provided for in the preceding section and a certificate by the Secretary of State of the State of Alabama that the name proposed for the authority is not identical with that of any other corporation in this state or so nearly similar thereto as to lead to confusion and uncertainty. The certificate of incorporation shall be signed and acknowledged by the incorporators before an officer authorized by the laws of this state to take acknowledgments of deeds and, with the documents attached, shall be filed for record in the office of the Judge of Probate of the county, who shall forthwith receive and record the same. When the certificate of incorporation and the documents attached have been filed as herein provided, the authority referred to therein shall come into existence and shall constitute a body corporate and politic under the name set forth in the certificate of incorporation. The incorporators shall constitute the members of the authority until they are succeeded by other members, as hereinafter provided.

Section 6. Board of Trustees. The authority shall be governed by a board of trustees consisting of five members. The members of the board of trustees shall be residents of the county and shall be elected by the governing body of the county. The members of the board of trustees initially elected shall be elected for staggered terms of office of one, two, three, four and five years, with the terms of office designated at the time of election; and thereafter the term of office of each trustee shall be five years. If any trustee dies or resigns or becomes incapable of acting as a trustee or ceases to reside in the county, the governing body of the county may elect a successor to serve for the unexpired

period of his term. Trustees may succeed themselves in office, if again elected by the county governing body. The members of the board of trustees shall serve without compensation, except that they may be reimbursed for actual expenses incurred in the performance of their duties as trustees. No member of the board of trustees shall be an officer of the county. Upon election of the first board of trustees, the incorporators shall cease to be members of the authority and shall be succeeded as such members by the members of the board of trustees and their respective successors. The board of trustees shall elect one of their number as chairman and another as vice-chairman. They shall also elect a secretary and a treasurer who may but need not be a trustee and who may but need not be the same person.

Section 7. Powers of Authority. The authority shall be deemed to exercise public and essential governmental functions and purposes and shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form: to have succession by its corporate name for the duration of time (which may be in perpetuity) specified in its certificate of incorporation, or until dissolved as hereinafter provided; to sue and be sued and to defend suits against it; to make use of a corporate seal and to alter the same at pleasure; to receive, acquire, take and hold, whether by purchase, gift, lease, devise or otherwise, real and personal estate of every description, and to manage and dispose of same by any form of legal conveyance or transfer; to acquire, construct, lease, equip, enlarge, improve, maintain, and operate one or more projects, and to do all things necessary to that end; to provide for medical aid to and hospitalization for the indigent sick of the county who cannot pay for such care, including the authority to contract with public or private hospitals, physicians, pharmacists, and other health agencies in the county for the rendition of such services; to develop plans, policies, procedures and standards regarding medical services to the indigent in consultation and cooperation with appropriate professional bodies and to administer, supervise and coordinate the medical services planned; to participate in public educational programs designed to promote efficient utilization of the medical care which the authority provides; to make and execute contracts and other instruments necessary to exercise the powers of the authority; to lease and rent any land, buildings, structures or facilities in any existing or hereafter established project; to acquire, by construction or otherwise, and to equip any number of projects; to establish and alter rates and charges for the use of the services of the authority; to acquire by the exercise of the right of eminent domain any property essential to the purposes of the authority; to borrow money and to issue interest bearing securities in evidence of such borrowing; to mortgage, pledge, or otherwise convey or hypothecate all or any part of its property and its revenues from any source; to appoint and

employ such employees, officers and agents, including doctors and attorneys, as the business of the authority may require; to provide for such insurance as the authority may deem advisable; to cooperate with the State Board of Health to make such contracts with it as the board of trustees of the authority may deem advisable respecting the operation of any project; to take such action not in violation of law as may be necessary in order to qualify the authority to receive funds appropriated by the United States or the State of Alabama; to invest in direct general obligations of the United States any funds of the authority which its board of trustees may determine are not presently needed for its corporate purposes; to make use of any facilities afforded by the federal and state governments or any agency or instrumentality or political subdivision thereof; and to establish and promulgate all rules and regulations necessary, convenient or proper for the efficient and effective administration of this Act and to exercise any and all powers now or hereafter possessed by private corporations performing similar functions. Nothing herein contained shall give any authority created under the terms of this Act any right or power to acquire or operate, or, in any manner, interfere with the operation of any home or institution for the aged indigent operated by any county subject to the provisions of this Act.

Section 8. Tax Revenues to Be Paid to Authority. The county shall pay over to the authority all revenue received and held by it from any tax levied by the state for the benefit of the county in providing for the health and medical care of the indigent residents of the county. Such revenue held by the county shall be paid over to the authority on or before the twenty-fifth day of the month next succeeding the month in which the proceeds of the tax are paid over to the county. The county is further authorized to allocate and pay other funds to the authority.

Section 9. Authority May Expend Funds for Corporate Purposes. The authority is hereby authorized to expend its funds, except as pledged or obligated or otherwise directed from whatsoever source received, including revenues paid over to it by the county, for the acquisition and construction of projects and for health and medical care, including the acquisition and construction of public buildings and facilities connected and incident thereto, and for any other purpose set forth in or germane to this Act, in such amounts as the authority shall deem proper to best effectuate the intent of this Act. No authority shall operate or construct any project for profit, but shall fix rates and charges consistent with this declaration of policy and such as will produce revenues only in amounts which, together with all other funds of the authority, will be sufficient to pay the principal of and the interest on the securities of the authority, to provide for maintenance and operation of its projects, to create and maintain

reasonable reserves for payment of said principal and interest, and to provide reasonable reserves for the expansion of the facilities or services of the authority.

Section 10. Borrowing by the Authority. All securities of the authority shall be signed by the chairman of its board of trustees and attested by its secretary, and the seal of the authority shall be affixed thereto. Any interest coupons applicable to the securities of the authority shall be signed by the chairman of its board of trustees, but a facsimile of such chairman's signature may be impressed on any such interest coupon in lieu of his manually signing the same. Any securities of the authority may be executed and delivered by it at any time and from time to time, shall be in such form and denomination and of such tenor and maturities, shall contain such provisions not inconsistent herewith, and shall bear such rate or rates of interest payable and evidenced in such manner as may be provided by resolution of the board of trustees. Any borrowing may be effected by sale of such securities at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board of trustees to be most advantageous. Any securities issued by the authority may thereafter at any time (whether before, at or after the maturity thereof) and from time to time be refunded by the issuance, by sale or exchange, of refunding securities. The authority may pay all expenses, premiums and commissions which its board of trustees may deem necessary and advantageous in connection with any financing done by it. Securities issued by the authority shall not be general obligations of the authority but shall be payable solely from the sources specified in the proceedings wherein the securities are authorized to be issued. As security for payment of the principal of and the interest on any securities issued by it, the authority may mortgage, pledge or otherwise convey its property and its revenues from any source, including, but without limitation, any one or more of the following: (a) taxes which may be levied by the state for the benefit of the county in providing for the health and medical care of the indigent residents of the county, (b) taxes which may be levied for the benefit of the authority or the proceeds of which may have been appropriated to the authority by the state legislature or by the governing body of the county or any municipality therein, and (c) revenues from the operation of any one or more projects owned or operated by it. Any mortgage, deed of trust or pledge made by the authority may contain such agreements as the board of trustees may deem advisable respecting the operation and maintenance of the property and the use of the revenues subject to such mortgage, deed of trust or pledge and respecting the rights or duties of the parties to such instrument or the parties for the benefit of whom such instrument is made; provided, that no such mortgage or deed of trust shall be subject to foreclosure. All

debts created and securities issued by the authority shall be solely and exclusively an obligation of the authority and shall not create an obligation or debt of the State of Alabama or of any county or municipality therein. The faith and credit of the State of Alabama or of any county or municipality therein shall never be pledged for the payment of any debt incurred or securities issued by the authority. All bonds and notes issued by the authority shall be construed to be negotiable instruments although payable solely from specified sources.

Section 11. Investment of Trust Funds in Securities of the Authority. Unless otherwise directed by the court having jurisdiction thereof, or by the document which is the source of authority, a fiduciary may, with the exercise of reasonable business prudence, invest trust funds in securities of the authority for payment of the principal of and the interest on which the proceeds of any ad valorem, excise, license or privilege tax may be pledged.

Section 12. Exemption From Taxation. All real, personal and mixed property that may be owned by the authority, all income of the authority, all securities that may be issued by the authority and the interest payable by the authority on any such securities, and all mortgages and other instruments executed by the authority as security therefor shall be exempt from state, county and municipal taxation.

Section 13. Annual Report. The board of trustees of the authority shall file an annual report with the governing body of the county and shall annually consider and adopt as a part of such report a budget, which budget shall be filed with the annual report. The board of trustees may hold a public hearing on the budget and representatives of any municipal or other public governing body within the area of operation of the authority or any person having an interest in such budget shall be admitted to such hearing with the right to be heard with respect to any matter covered by the report of the board of trustees or by the budget.

Section 14. Dissolution of Authority. At any time when the authority owns no property and has no indebtedness outstanding, the governing body of the county in which the authority was organized may adopt a resolution, which shall be duly entered upon the minutes of said governing body, declaring that the authority shall be dissolved. Upon the filing for record of a certified copy of said resolution in the office of the Judge of Probate of said county, the authority shall thereupon stand dissolved. The formation and dissolution of one or more authorities under the provisions of this act shall not prevent the subsequent formation of another authority hereunder in the same county, but only one authority may exist in a given county at a given time.

Section 15. Transfer of Funds and Property by Counties and Municipalities. The county in which the authority is organized and any municipality located within such county are hereby authorized to transfer and convey to the authority, without consideration, any project that may be owned by such county or municipality, as the case may be, and any funds owned or controlled by such county or municipality, as the case may be, that may have been acquired or allocated for any of the purposes for which the authority shall have been organized; provided, that such transfer or conveyance shall be authorized by an ordinance or a resolution duly adopted by the governing body of such county or municipality.

Section 16. Severability Clause. In the event any section, sentence, clause or provision of this act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this act, which shall continue effective.

Section 17. Effective Date. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved November 19, 1959.

Time: 3:04 P. M.

Act No. 558

H. 1023—Sessions, Perry, Locke, Edwards, Morrow, Hawkins, Rast

AN ACT

To further regulate the Probate Court and office of Judge of Probate in counties having a population of 500,000 or more according to the last or any subsequent federal census; to authorize and empower the judge of probate in any such county to delegate and assign duties, ministerial functions and authority to the chief clerk and other clerks and personnel of such probate court and its divisions and offices; to delegate and assign to, and invest in, the chief clerk of such probate court the title, duties and power of clerk of the probate court of such county, and to further prescribe the powers, duties and authority of such (chief clerk as) clerk and register of such probate court; to authorize the appointment of deputy clerks—registers in each office of such probate court from the personnel in such offices.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in and only in counties having a population of 500,000 or more, according to the last or any subsequent federal census. The Judge of Probate of such county is hereby authorized and empowered to delegate and assign to the chief clerk and other clerks and personnel in the probate office such duties and authority of supervision and ministerial functions, with which he is now authorized and charged by law, as in

his discretion may be necessary or convenient for the efficient operation of the offices of the probate court of such county, and to designate as clerk of such probate court the chief clerk serving under the provisions of Section 297 of Title 13, Code of Alabama of 1940.

Section 2. The chief clerk of the probate court of such county shall, also, have the authority of clerk and register of such probate court, and, in addition to the powers and authority now prescribed by law (as provided by Section 300 of Title 13 of the Code of Alabama 1940), shall have the powers and authority to sign, as clerk, certificates of copies of all decrees, orders and papers, issued by such probate court; to grant decrees pro confesso for the want of answers, where required; and to supervise and perform such other duties, not required to be performed personally by the judge, subject at all times to the control, direction and supervision of the judge of probate. Deputy Clerks-Registers shall be appointed from the clerks in the offices of the judge of probate, and if there is an office of the probate court other than in the courthouse at the seat of the county government, the judge of probate shall appoint from the clerks in such office deputy clerks—registers for such division of the probate court, and, in transacting business in such probate court, such deputies shall have full power of the clerk or register of such court, which power shall be similar to that of deputy clerks and deputy registers of the circuit court, in such probate court.

Section 2A. Any appointment or designation pursuant to this Act shall be subject to the provisions of any civil service or merit system law applicable to counties to which this Act applies.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are expressly repealed in-so-far as the same are in conflict with this Act.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 3:05 P. M.

Act No. 559

H. 1024—Locke, Perry, Edwards, Rast,
Sessions, Hawkins, Morrow

AN ACT

To levy a license tax in Jefferson County, Alabama, on persons and others engaged in selling alcoholic, spirituous, vinous, or fermented liquor

at retail; to provide that the tax be measured by the kind and quantity of such beverages so sold, distributed, delivered, stored or taken out of storage; to provide for the payment of such tax, the making of records and reports, and the maintaining of records with respect thereto; to provide for the collection and distribution of said tax, and the enforcement of the provisions of this act; to provide that the County Commission of Jefferson County, Alabama, shall have authority to adopt ordinances, rules and regulations pertaining to the collection of the tax, and the making of reports and maintaining of records with respect thereto, and providing that such ordinances, rules, and regulations shall have the force and effect of law; to provide that the tax imposed shall constitute a debt to the county and may be collected by civil suit in addition to all other methods provided by law; to provide penalties for the violation of the provisions of this act; to provide that the tax, together with interest and penalties with respect thereto, shall constitute, and be secured by, a lien upon the property of any person from whom the tax is due; to require any person or others engaged in selling alcoholic, spirituous, vinous, or fermented liquor to obtain a permit from the Department of Revenue of Jefferson County, and to file a bond in an approximate sum of two times the estimated average monthly tax; to provide that the revenue derived from the tax, less the cost of collection shall be used solely to care for indigent sick and injured persons, including the necessary facilities therefor, who are bona fide residents of the county; to provide that in the event that other taxes are levied for these purposes, then such tax shall be used for the construction and operation of an outpatient clinic; to repeal any act now in effect in Jefferson County, Alabama, which levies a license tax on the sale of alcoholic, spiritous, vinous or fermented liquors, the proceeds of which tax are used exclusively for indigent patient care.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in Jefferson County Alabama. This act shall have the effect of repealing any act now in effect in Jefferson County which levies a license tax on the sale of alcoholic, spirituous, vinous, or fermented liquor, when the revenue derived from such tax is used solely for indigent patient care.

Section 2. Definitions. When used in this Act, the terms (a) "hotel" (b) "restaurant" (c) "club" (d) "corporation" (e) "State Liquor Store" (f) "Liquor" (g) "malt" or brewed beverages" (h) "wine" (i) "municipality" (j) "package" (k) "person" (l) "sale" or "sell", shall have the same meaning ascribed to them by Section 1 of Title 29 of the 1940 Code of Alabama, provided, however, the term "person" shall not mean and include the Alabama Alcoholic Beverage Control Board, nor the members, officers, or employees thereof, while engaged in the performance of their duties under the Alabama Alcoholic Beverage Control Act, nor any liquor store or warehouse established, operated and maintained by the said Alabama Alcoholic Beverage Control Board under said Act.

Section 3. (a) Every person engaged in the sale of alcoholic, spirituous, vinous or fermented liquor, except malt or brewed beverages of an alcoholic content not in excess of four percent by weight and five percent by volume, shall, in addition to

all other taxes and licenses now imposed by law, pay a license tax to Jefferson County, and a license tax is hereby fixed and created in the following amounts: Whiskey, gin, brandy, rum, vodka, cocktails, and all other alcoholic beverages except malt beverages, wines and other fermented beverages, sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container of two (2) ounces or less, ten cents (10c); on each bottle or container of more than two (2) ounces and not more than one-half pint, twenty-five cents (25c); on each bottle or container of more than one-half pint and not more than one pint, one dollar (\$1.00); on each bottle or container of more than one pint and not more than one-fifth of a gallon one dollar and sixty cents (\$1.60); on each bottle or container of more than one-fifth of a gallon and not more than one quart, two dollars (\$2.00); on each bottle or container of more than one quart, two dollars (\$2.00) plus ten cents (10c) for each one and six-tenths ($1\frac{6}{10}$) ounces or fractional part thereof in excess of one quart. Wines and other fermented beverages sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container, twenty-five cents (25c). The tax hereby levied shall be paid by and through the purchase of stamps or decals purchased from the Director of Revenue of the county. It shall be unlawful for any person subject to this act to have in his possession any beverage subject to the tax hereby levied unless such person has at the place where such beverage is located a receipt issued by the store from which he purchased said beverage showing the time of purchase. Any person selling any bottle or container of two (2) ounces or less containing a beverage subject to the tax hereby levied shall simultaneously with said sale obliterate the stamp affixed to the said bottle or container; any person subject to the tax levied by this act who withdraws any beverage subject to the tax hereby levied from a bottle or container of more than two (2) ounces shall immediately break or destroy the bottle or container upon the same being emptied. Provided, however, that where the additional license tax hereby required to be paid shall have been paid by a person or distributor or seller of alcoholic, spiritous, vinous or fermented liquors subject to this Act, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on the same identical beverage; provided further, however, that any person, in order to be exempt under this provision shall first comply with the provisions of subsection (b) of this section. (b) Any person selling, distributing, delivering, storing, or taking out of storage alcoholic, spirituous, vinous or fermented liquors purchased from any other person who has paid the license tax thereon as fixed in subsection (a) of this section shall not be required to pay such license; provided, however, that in order to obtain such exemption such person claiming such exemption must, on or before the fifteenth

day of the month next succeeding the effective date of this Act, and on or before the 15th day of each and every calendar month thereafter, file with the Director of the Department of Revenue of Jefferson County, a written statement, sworn to and subscribed by such person claiming exemption, showing the name and address of such person, each and every purchase, receipt or procurement of alcoholic, spirituous, vinous or fermented liquors made by such person during the calendar month next preceding, together with the name and address of the person from whom purchased, received, or procured, and the brand of such beverages, the quantity of each brand of such beverages, the size of containers of each brand of such beverages, the date or dates on which purchased, received or procured, and the disposition thereof by such person claiming the exemption; such statement to be made on forms prescribed by the Director of the Department of Revenue of Jefferson County. (c) Each and every person selling, distributing, delivering, storing, or taking out of storage alcoholic, spirituous, vinous or fermented liquors subject to this Act, except such as claim and obtain exemption under the provisions of subsection (b) of this section, shall, on or before the 15th day of the month next succeeding the effective date of this Act, and on or before the 15th day of each and every month thereafter, file with the Director of the Department of Revenue of Jefferson County, on forms prescribed by the said Director of Revenue, a written statement, sworn to and subscribed by such person, showing the name and address of such person, each and every purchase, receipt or procurement of alcoholic, spirituous, vinous or fermented liquors made by such person during the calendar month next preceding together with the name and address of the person from whom purchased, received or procured, the brand of such beverages, the quantity of each brand of such beverages, the size of containers of each brand of such beverages and the date or dates on which purchased, received, or procured; and any person failing, refusing or omitting to file such statement as herein prescribed shall be guilty of a misdemeanor, and each day that such default continues shall constitute a separate offense.

Section 4. The county commission, is hereby authorized to adopt rules and regulations upon the recommendation of the Director of the Department of Revenue of Jefferson County, consistent with good fiscal policy, to assist and guide the efforts of the Director of Revenue in the collection of the license tax herein levied. Provided the County Commission is authorized to have prepared and to purchase stamps, decals, or other means of identification to assure the collection of the tax and assist in the enforcement of the provisions of this Act. Such stamps, or other means of identification, shall be delivered to the Director of Revenue to be used by him in the collection and enforcement of the provisions of this Act. Each stamp, or other means of

identification, shall have inscribed thereon the words "Jefferson County Beverage Tax", but such words need not be arranged in the foregoing order and may be abbreviated, and such stamps shall show the amount of the tax covered by the said stamps. Any person having in their possession any unstamped or improperly stamped beverage or beverages subject to the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$100.00.

Section 5. Every person subject to the provisions of this Act shall within one hour after the receipt of any such alcoholic, spirituous, vinous, or fermented liquor within the county, unless sooner offered for sale, cause stamps in the requisite amount of tax to be affixed. After such stamping has begun, it shall be continued with reasonable diligence by such person until all of the unstamped alcoholic, spirituous, vinous or fermented liquor required to be stamped has been stamped. Such stamps shall be affixed to each individual bottle or other container as provided in this act in such a manner that its removal will require continued application of water or steam.

Section 6. (a) Any person before engaging in selling, distributing, delivering, storing or taking out of storage any alcoholic, spirituous, vinous or fermented liquors in Jefferson County shall file with the Director of Revenue a bond in the approximate sum of two times the average monthly tax estimated by the Director of Revenue which will be due by the applicant. The bond shall be in such form and amount as may be approved by the Director of Revenue, shall be executed by a surety company licensed and duly authorized to do business in Alabama, shall be payable to the county subject to the provisions of this Act, and be conditioned upon the prompt filing of true reports, proper stamping as herein provided, and the payment by the applicant to the Director of Revenue of the license tax herein fixed and provided, together with all penalties thereon, and generally upon faithful compliance with the provisions of this Act. Upon the filing of such bond and approval thereof, the Director of Revenue shall issue a permit to applicant to engage in such business so long as applicant may not be in default in compliance with the provisions of this Act. It shall be unlawful and constitute a misdemeanor for any person to engage in selling, distributing, delivering, storing or taking out of storage any alcoholic, spirituous, vinous or fermented liquors in Jefferson County without first having filed the bond and secured the permit as required herein. (b) In the event the liability upon any bond filed under the provision of this Act shall be discharged or reduced, whether by judgment rendered, payment made, or otherwise, or if in the opinion of the Director of Revenue any surety on the bond theretofore given which becomes unsatisfactory or unacceptable, then the Director of Revenue may require the filing of a new or

additional bond conditioned as hereinabove provided and in the event of the failure of any person, within ten days of written notice to it by the Director of Revenue to file such new or additional bond, the Director of Revenue shall revoke the permit issued to such person. (c) If the Director of Revenue shall decide that the amount of any existing bond filed by any person is insufficient, the Director of Revenue may order such person to file, within ten days after written notice by the Director of Revenue to such person, a new or additional bond in such amount as the Director of Revenue may find reasonably necessary to insure payment of all amounts due or to become due the county, and if such new or additional bond is not filed within ten days after such notice from the Director of Revenue, the Director of Revenue may revoke the permit already issued to such person. (d) Any surety on any bond furnished by any person, as above provided, shall be released and discharged from any and all liability to the county accruing on such bond after the expiration of sixty days from the date upon which surety shall have filed with the Director of Revenue written request to be released and discharged, provided, however, that such request shall not operate to relieve, release or discharge such surety from any liability already accrued, or which shall accrue before the expiration of said sixty day period. The Director of Revenue shall promptly upon receipt of notice of such request notify the person who furnished such bond of the request of the surety on said bond, and unless such person shall, on or before the expiration of such sixty day period, file with the Director of Revenue a new bond in the amount and form hereinabove in this section provided, the Director of Revenue shall forthwith cancel the permit of said person.

Section 7. It shall be unlawful for any person having no place of business within Jefferson County to make any sale, distribution, or delivery of any alcoholic, spirituous, vinous or fermented liquors within the county without first having obtained a permit to do so from the Director of the Department of Revenue of Jefferson County; and such person shall be liable for and subject to the license tax fixed and specified in section 3 (a) of this Act.

Section 8. (a) It shall be the duty of any person subject to the license tax imposed by this Act to keep full and complete records of all purchases, receipts, inventories and of all other matters from which the correct amount of license tax to which such person is subject may be ascertained; and in the event that such person shall discontinue his business, he shall not destroy or dispose of such records until he shall have given the Director of Revenue thirty days notice in writing of his intent to destroy or dispose of such records. The failure of such person to keep such records, or his destruction or disposition of such records

without giving such notice, shall constitute a misdemeanor. (b) Upon demand by the Director of Revenue or his authorized deputy, auditor, or representative, it shall be the duty of any such person subject to the license tax imposed by this Act to furnish such demanding person, without delay, all such information as may be required for determination of the correct amount of license tax to which such person is subject, and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination, during reasonable hours, at such person's place of business within Jefferson County, all books of accounts, invoices, papers, reports, memoranda containing entries showing the amount of purchases, receipts, inventories, and any other information from which the correct amount of license tax to which such person is subject may be determined and any person failing or refusing to submit such records for such inspection and examination upon such demand shall be guilty of a misdemeanor. (c) If any person subject to the provisions of this act does not have in such person's control or possession, within Jefferson County, true and intelligible books of account, invoices, papers, reports or memoranda correctly showing the data and information necessary for determination of the correct amount of the license tax due, or if having in such person's possession or under such person's control such books, invoices, papers, reports or memoranda, such person shall fail or refuse to submit and exhibit the same for inspection and examination as herein required, then, in either event, it shall be the duty of the Director of the Department of Revenue of Jefferson County to ascertain, from such information and data as he may reasonably obtain, the correct amount of license tax due from such person, and to assess the same against such person and to give such person notice of said assessment and to demand of such person immediate payment of the amount of such license tax. If the amount of the license tax so ascertained and demanded is not paid within ten days after receipt of notice of the assessment and demand for payment thereof, then, so long as said amount remains unpaid it shall be unlawful, and shall constitute a misdemeanor, for the person to engage in business, and each day's engagement in such business shall constitute a separate offense.

Section 9. Among others the following acts and omissions shall be unlawful: (a) It shall be unlawful for any person subject to the license tax imposed by this Act to fail to affix any stamps in the manner or within the time required by this act. (b) It shall be unlawful for any person to sell, offer for sale, or deliver within Jefferson County any alcoholic, spirituous, vinous, or fermented liquor on which stamps are required and have not been properly affixed. (c) It shall be unlawful for any person to have in his possession or under his control any alcoholic, spirituous, vinous, or fermented liquors not properly stamped as required for more than one hour after receipt of such alcoholic, spir-

ituous, vinous or fermented liquor on the premises of such person. (d) It shall be unlawful to manufacture, buy, sell, offer for sale, or possess or to attempt any reproduction or counterfeit of the stamps provided for or to alter or cause to be altered any stamp provided for. (e) It shall be unlawful to remove from a bottle or container of alcoholic, spirituous, vinous or fermented liquors, or otherwise prepare, any stamp with intent to use or cause the same to be used after it has already been used; to buy, sell or offer for sale, or give away, any washed, removed, altered or restored stamp to any person, or to have in possession any such washed, removed, restored, or altered stamp, or for the purpose of indicating the payment of any tax hereunder, to reuse any tax stamp which has heretofore been used for the payment of any tax provided in this Act, or, except as to the Director of Revenue, to sell any stamp provided for herein. (f) The Director of Revenue, his agent, or any peace officer of said county, shall have authority to seize without warrant any and all alcoholic, spirituous, vinous, or fermented liquors on which the license tax levied by this Act has not been paid, including the containers or packages in which such alcoholic, spirituous, vinous or fermented liquors are found, in the possession of any person violating the provisions of this Act, and such alcoholic, spirituous, vinous or fermented liquor in the possession of such persons are hereby declared to be contraband goods and upon such confiscation shall be delivered to the Director of Revenue for sale at public auction to the highest bidder after due advertisement; the Director of Revenue may deliver such alcoholic, spirituous, vinous or fermented liquor to the County Purchasing Agent to be sold at public auction as herein provided; the proceeds of the sale of any such alcoholic, spirituous, vinous or fermented liquor sold hereunder after paying all costs shall be distributed by the Director of Revenue as provided in Section 10 of this Act. The arresting officer or person making the seizure shall proceed as follows: First he shall cause a list, containing a particular description of the alcoholic, spirituous, vinous or fermented liquor seized, showing the quantity of each brand, the size and kind of containers of each brand, the date or dates on which confiscated, and the person or persons from whom confiscated, to be prepared in duplicate. The said officer or person shall proceed to post a notice for three weeks in writing at three places in the county, that the seizure was made, describing the alcoholic, spirituous, vinous or fermented liquor, the quantity of each brand, the size of containers of each brand, stating the time and place and cause of their seizure, and requiring any person claiming them to appear and make such claim within thirty days from the date of the first posting of such notice. Second, any person claiming said liquors so seized as contraband within the time specified in the notice, may file with the Director of Revenue a claim in writing stating his interest in the articles seized, and shall exe-

cute a bond to the Director of Revenue in the penal sum equal to double the value of the alcoholic, spirituous, vinous or fermented liquor so seized, but in no case will the said bond be less than the sum of two hundred dollars (\$200.00), with sureties to be approved by the Director of Revenue, conditioned that in the case of condemnation of the alcoholic, spirituous, vinous or fermented liquor the obligor shall pay to the Director of Revenue the full value of the alcoholic, spirituous, vinous or fermented liquor so seized, and all costs and expenses of the proceeding to obtain such condemnation, including a reasonable attorney's fee. Upon the delivery of such bond to the Director of Revenue, he shall transmit the same with the duplicate list or description of the alcoholic, spirituous, vinous or fermented liquor so seized to the county attorney, or to the solicitor of the county, and the said county attorney or solicitor shall file a bill in the Circuit Court in Equity to secure the forfeiture of said alcoholic, spirituous, vinous or fermented liquor and the bottles and containers in which seized. Upon filing the bond as aforesaid, the said alcoholic, spirituous, vinous or fermented liquor shall be delivered to the claimant pending the outcome of said case; provided, however, the proper license tax must be paid by the claimant before said alcoholic, spirituous, vinous or fermented liquor are delivered by the Director of Revenue. Third, if no claim is interposed or no bond given within the time above specified, such alcoholic, spirituous, vinous or fermented liquor shall be forfeited without further proceedings and the same shall be sold as herein provided. The proceedings against such alcoholic, spirituous, vinous or fermented liquor pursuant to the provisions of this subsection shall be considered as proceedings in rem.

Section 10. The license tax required to be paid to the Director of Revenue by this Act shall be received by him, and shall be distributed by him on or before the 15th day of the month following the month in which it is received, as follows: Two percent of said tax shall be paid to the Director of Revenue to be paid by him into the general treasury of the county for the collection, enforcement, and distribution of said tax; the remainder of said tax after first deducting the two percent as above provided, shall be paid by the Director of Revenue into a special fund known as the "Jefferson County Indigent Patient Care Fund" to be distributed on proper resolution by the County Commission exclusively for residents of Jefferson County in the care of indigent patient requirements, including the construction, maintenance or operation of emergency room facilities; provided, further, that if other taxes are levied for the foregoing purposes, then the tax hereby levied, or part thereof, may be used for the construction, maintenance or operation of an outpatient clinic exclusively for residents of Jefferson County. Provided, further, if there be in the county a county hospital authority, or county indigent pay authority, or any similar authority created by legislative act for

the purpose of administering funds for indigent patient care, then such tax shall be paid by the Director of Revenue to such authority.

Section 11. It shall be the duty of the Director of Revenue to enforce the provisions of this Act, including the inspection of the premises of anyone engaged in the sale of alcoholic, spirituous, vinous or fermented liquor. It shall be unlawful for any person to interfere or obstruct the Director of Revenue, his inspector, auditor or representative in the exercise of the power and authority conferred by this act.

Section 12. Any person violating any of the provisions of this Act, shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00) and may also be sentenced to hard labor for the county for not exceeding six months, either or both. It shall be the duty of the Director of Revenue to receive the license tax herein levied and to make distribution as herein provided. It shall be the duty of the Director of Revenue to enforce the provisions of this Act and to check the books, records, etc., of any such person subject to the license tax imposed by this Act.

Section 13. Severability—If, for any reason, any clause, sentence, subsection, section or provision of this Act, or the application thereof to any person, body, situation or circumstance is held invalid or inoperative, the remainder of this Act and the application thereof to any other person, body, situation or circumstance shall not be affected thereby.

Section 14. This Act shall take effect on the first day of the month following its passage and approval by the Governor or otherwise becoming a law.

Approved November 19, 1959.
Time: 2:19 P. M.

Act No. 560

S. 461—Dumas

AN ACT

To prohibit any person who has attained the age of 70 years from holding any position in the classified service in any county to which Act No. 248, General Laws of Alabama, approved July 6, 1945 (1945 Acts, pp. 376-400), entitled "An Act to create and establish in each county in Alabama which has a population of 400,000 or more according to the last or any future Federal census, a county-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of such counties or municipalities located therein, including personnel employed or appointed by the County Board of Health and the Board of Registrars in such counties; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administra-

tion of said System in each of such counties; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such personnel and over such counties and municipalities therein and County Boards of Health and Registrars in such counties; to provide for the payment of the expenses of each such agency and for a division of such expense between the county affected thereby and the municipalities therein including the County Board of Health; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof," applies and to provide that this Act shall become effective January 1, 1962.

Be It Enacted by the Legislature of Alabama:

Section 1. No appointee or employee, as defined and described in Act No. 248, General Laws of Alabama, approved July 6, 1945 (1945 Acts, pp. 376-400), entitled "An Act to create and establish in each county in Alabama which has a population of 400,000 or more according to the last or any future Federal census, a county-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of such counties or municipalities located therein, including personnel employed or appointed by the County Board of Health and the Board of Registrars in such counties; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such counties; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such personnel and over such counties and municipalities therein and County Boards of Health and Registrars in such counties; to provide for the payment of the expenses of each such agency and for a division of such expense between the county affected thereby and the municipalities therein including the County Board of Health; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof," shall hold any position in the classified service provided for in said Act after he shall have attained the age of 70 years. Each appointing authority shall cause any employee or appointee who shall have attained the age of 70 years to be dismissed from such classified service.

Section 2. This Act shall become effective January 1, 1962; but it shall from the date of its enactment supersede any statute, law, rule or regulation governing the age of employees or appointees who may hold office in the classified service if otherwise qualified.

Approved November 19, 1959.

Time: 3:10 P. M.

AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the city of Irondale in Jefferson County, Alabama, so as to include within the corporate limits of said city of Irondale all territory now within such corporate limits and also certain other territory contiguous thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporated limits of the City of Irondale in Jefferson County, Alabama, be and the same are hereby extended, altered and rearranged so that the boundary lines and corporate limits of said city shall embrace and include all of the territory now within the existing limits of said city, and in addition thereto, shall embrace and include also all of the other territory lying within the following described boundaries, to-wit:

Begin at the Southwest Corner of North Half of Northwest Quarter ($N\frac{1}{2}$ of $NW\frac{1}{4}$) of Section 30, Township 17 South, Range 1 West, which is the Southeast corner of the present corporate limits of the City of Irondale: thence East along the South line of said North Half of Northwest Quarter ($N\frac{1}{2}$ of $NW\frac{1}{4}$) of Section 30 Township 17 South Range 1 West to the East line of said Section 30: thence North along said East line of Section 30 and along the East line of Section 19, Township 17 South, Range 1 West and along the East line of Section 18, Township 17 South, Range 1 West to its intersection with the southerly line of right-of-way of Central of Georgia Railroad in Southeast Quarter of Southeast Quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 18, Township 17 South, Range 1 West; thence westerly and southwesterly along said Southerly line of said railroad right-of-way to its intersection with the present corporate limits of the City of Irondale: thence West along said present corporate limits to the Southwest Corner of Northwest Quarter of Northeast Quarter ($NW\frac{1}{4}$ of $NE\frac{1}{4}$) of Section 24, Township 17 South, Range 2 West: thence North along present corporate limits of City of Irondale to the Northwest Corner of Southwest Quarter of Southeast Quarter ($SW\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 13, Township 17 South, Range 2 West: thence West along the present corporate limits of City of Irondale to intersection with southeasterly boundary line of right-of-way of Louisville and Nashville Railroad: thence in a Southwesterly direction along said boundary line of said railroad right-of-way, being the present corporate limits of City of Irondale to the arc of a circle constituting the present corporate limits of City of Irondale and thence in a generally Westerly, Southwesterly, Southerly and Southeasterly direction along said arc constituting present corporate limits of City of Irondale to the intersection thereof with the West line of Section 25, Township 17 South, Range 2 West; thence South along said West line of Section 25,

Township 17 South, Range 2 West, being present corporate limits of City of Irondale to the Southwest Corner of the Northwest Quarter (NW $\frac{1}{4}$) of Section 25, Township 17 South, Range 2 West: thence East along present corporate limits of City of Irondale to Southeast corner of Southwest Quarter of Northwest Quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 25, Township 17 South, Range 2 West; thence North along present corporate limits of City of Irondale to the Northwest Corner of Southeast Quarter of Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 25, Township 17 South, Range 2 West: thence East along present corporate limits of City of Irondale to the Southwest Corner of North Half of Northwest Quarter (N $\frac{1}{2}$ of NW $\frac{1}{4}$) of Section 30, Township 17 South, Range 1 West, the point of beginning, all situated in Jefferson County, Alabama

Section 2. Upon the filing of a certified copy of a resolution of the governing body of the City of Irondale said resolution stating the willingness of the said City of Irondale to the inclusion of the above described property within the corporate limits of said City. The Judge of Probate of Jefferson County, Alabama, shall make and enter an order upon the minutes of said court directing and ordering an election to be held by the qualified voters residing within the territory described, which is to be annexed to said City, said election to be held within 40 days from the entry of said order. Said election shall be held to determine whether or not a majority of the voters residing within the territory above described to be annexed to said City and who actually vote in said election favor the annexation to said City of said territory above described. Said judge shall give notice of the holding of said election by publication in a newspaper published within Jefferson County, which notice shall state the day on which such election is to be held, the voting place or places designated by the Chairman of the Board of Registrars of said County, the boundaries within which voters must reside to vote at the respective voting places, which must be within the territory proposed to be brought into the City of Irondale and notice shall give a description of the territory proposed to be annexed and must state that a map of said territory is on file in the Office of the Judge of Probate of said County, open to the inspection of the public.

Section 3. The Chairman of the Board of Registrars of said County may designate as many places within the territory hereby proposed to be annexed to said City as he may determine necessary for the convenience of the voters and must designate the boundaries within which the voters must reside to vote at the respective voting places and the Election Commission of Jefferson County shall appoint three inspectors of election, two clerks and one returning officer for each voting place, which inspectors

shall manage the election at the respective voting places at which they are appointed as inspectors.

Section 4. Each qualified voter who has resided within the boundaries of the territory hereby proposed to be annexed to said City for three months next preceding the election may vote at said election but must vote at the voting place designated by the Chairman of the Board of Registrars for voters in the territory in which he resides.

Section 5. Said election must be conducted in all respects as provided by the general election laws and under the same sanction and penalties, except as changed by the provisions of this Act, and except that an official ballot need not be provided nor voting machine used. There shall be no voting by absentee ballot.

Section 6. The City of Irondale shall furnish the ballot with the following words written or printed thereon: "For annexation", and "Against annexation". It shall not be necessary for the ballot to be of any particular size, form or color.

Section 7. The inspectors at the respective voting places, must, as soon as the polls are closed, ascertain and certify the results of the election at their respective voting places to the Judge of Probate of Jefferson County, at Birmingham, Alabama, and deliver the same to the returning officer, who must at once return the same to the Judge of Probate of Jefferson County, Birmingham, Alabama, and said Judge must canvass the returns as made by the inspectors, and if it appears that a majority of the votes cast at the election were "for annexation" said Judge shall make and enter an order on the records of said Probate Court of Jefferson County, at Birmingham, Alabama, recording such fact, and from the time of the entry of said order this Act shall be fully effective and the boundaries of said City of Irondale shall be as above set forth. If it appears that a majority of the votes cast at the election are "Against annexation" the Judge of Probate shall make and enter an order on the records of said County recording such fact, and this act shall not be effective, and the boundaries of said City shall be and remain as they were before the passage of this act.

Section 8. The result of such election may be contested by any qualified elector voting at the election under the same provisions as are provided by general law for contesting the election of a Justice of the Peace, making the City the contestee. The City of Irondale shall pay all costs and expenses incident to the election, except such costs and expenses incurred in an unsuccessful contest of such election, in such event said unsuccessful contestant shall pay such costs and expenses.

Section 9. The Probate Judge shall be entitled to the same

fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him, and all other officers shall be entitled to the same compensation for services rendered by them, as they are authorized by law to charge and collect for similar services rendered by them, and said City of Irondale shall pay all costs and expenses except in the case of a contest as herein provided.

Section 10. That all laws and parts of laws in conflict or inconsistent with this Act be and are hereby repealed.

Section 11. That this Act shall become effective immediately upon its passage and approval by the Governor or upon otherwise becoming a law.

Approved November 19, 1959.

Time: 3:11 P. M.

Act No. 562

S. 459—Dumas

AN ACT

To apply in all counties of the State having a population of not less than 500,000 according to the last or any subsequent Federal decennial census; to authorize the county commission of any county to which this act applies to call an election for the approval or disapproval of central daylight savings time; providing for the ordering and holding of such election.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in all counties having a population of not less than 500,000, according to the last or any subsequent Federal decennial census.

Section 2. As used in this Act the term "Central daylight savings time" shall mean a designation of the hours of the day one hour in advance of the time of the ninetieth degree of longitude west of Greenwich, otherwise known as standard railroad central time.

Section 3. The County Commission is authorized to order an election to determine whether central daylight savings time as hereinafter provided shall be used in any counties in which this Act applies. The Sheriff must give notice at least thirty days before any election to be held under this Act by publication in some newspaper in the county of the time of holding and the purpose of the election. Such election shall be held at the next general election at which the qualified voters of any counties to which this Act applies are eligible to participate therein and the question of the time hereinafter provided shall be submitted at that election and at no other election. Costs of such election shall be borne by the County Commission.

Section 4. The County Commission of any counties to which this Act applies shall declare the result of the election, and if a majority of the electors voting on the question have voted in favor of central daylight savings time, then central daylight savings time shall become the designation of time as hereinafter provided:

1. The time within which any act is provided by law to be done in any county in which this Act applies must be computed by excluding the first day and including the last; if the last day is Sunday, it must also be excluded, and the Monday following shall be counted as the last day within which the act may be done. In designating the hours of the day in any county in which this Act applies, the time used shall be that of the ninetytieth degree of longitude west of Greenwich, otherwise known as standard railroad central time; however, commencing at 2:00 a. m. standard railroad central time on the last Sunday in the month of April of each year and continuing until 3:00 a.m. standard railroad central time on the last Sunday in the month of October of each year, the time used shall be that of Central Daylight Savings Time.

2. Upon the County Commission declaring the result of the election approving central daylight savings time, then within the county in which such favorable vote was declared, the designation of the hours of the day shall be as hereinbefore provided; however, should the County Commission declare such favorable vote at a time between 2:00 a. m. standard railroad central time on the last Sunday in the month of April of any year and 2:00 a. m. standard central time on the last Sunday in the month of October of any year, then central daylight savings time shall become effective at 2:00 a. m. standard railroad central time on the next following Sunday.

Section 5. All laws or parts of laws in conflict with the provisions of this Act are superseded by the provisions of this Act.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.
Time: 3:12 P. M.

Act No. 563

S. 433—deGraffenried

AN ACT

To extend, alter, and rearrange the boundary lines and corporate limits of the City of Tuscaloosa, in Tuscaloosa County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Tuscaloosa, in Tuscaloosa County, Alabama, be, and the same are hereby extended, altered, and rearranged so as to include within the corporate limits of said City all of the following additional adjacent territory, to-wit:

PARCEL "A"

As a point of beginning, begin at the northeast corner of Section 17, Township 21 South, Range 9 West; thence southwardly along the east line of said Section 17 to a point, which point is 240 feet north of the southeast corner of the Northeast Quarter of the Northeast Quarter of said Section 17; thence westwardly and parallel to the South boundary of the said Northeast Quarter of the Northeast Quarter for a distance of 210 feet; thence southwardly and parallel to the east boundary of the said Northeast Quarter of the Northeast Quarter for a distance of 210 feet; thence eastwardly and parallel to the south boundary of said Northeast Quarter of the Northeast Quarter for a distance of 210 feet to a point on the east boundary of said Northeast Quarter of the Northeast Quarter; thence southwardly along the east boundary of said Northeast Quarter of the Northeast Quarter for a distance of 30 feet to the northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 17; thence westwardly along the north boundary of the said Southeast Quarter of the Northeast Quarter for a distance of 210 feet; thence southwardly and parallel to the east boundary of the said Southeast Quarter of the Northeast Quarter for a distance of 210 feet; thence eastwardly and parallel to the north boundary of the said Southeast Quarter of the Northeast Quarter for a distance of 210 feet to a point on the east boundary of the said Southeast Quarter of the Northeast Quarter; thence southwardly along the east boundary of the said Southeast Quarter of the Northeast Quarter to the southeast corner of the said Southeast Quarter of the Northeast Quarter of said Section 17; thence westwardly along the south boundary of the said Southeast Quarter of the Northeast Quarter to the southwest corner of said Southeast Quarter of the Northeast Quarter; which point is on the present City Limit line; thence northwardly along the present City Limit line and the west boundary of the said Southeast Quarter of the Northeast Quarter to the northwest corner of said Southeast Quarter of the Northeast Quarter of said Section 17; thence westwardly along the present City Limit line and the south boundary of the Northwest Quarter of the Northeast Quarter of said Section 17 to the southwest corner of said Northwest Quarter of the Northeast Quarter; thence southwardly along the present City Limit line and the west boundary of the East One-Half of said Section 17 to the north boundary of First

Street East; thence eastwardly along the north boundary of First Street East and the present City Limit line to a point, which point is on the extension northwardly of the east boundary of 29th Avenue East; thence southwardly along the east boundary of 29th Avenue East and the present City Limit line, to the south boundary of Lavelle Woods Subdivision, a plat of which is recorded in Plat Book 6 at Page 197 in the Office of the Probate Judge of Tuscaloosa County, Alabama; thence westwardly along the present City Limit line and the south boundary of said Lavelle Woods Subdivision and the extension westwardly thereof, to a point on the east boundary of the H. O. Pierson property; thence southwardly along the present City Limit line to the southeast corner of the H. O. Pierson property; thence westwardly along the present City Limit line and the south boundary of the said H. O. Pierson property and the extension westwardly thereof, to a point on the west boundary of 25th Avenue East; thence northwardly along the present City Limit line and the west boundary of 25th Avenue East, and the prolongation thereof, to a point on the north right-of-way of the Louisville & Nashville Railroad; thence southwestwardly along the present City Limit line and the north right-of-way line of the Louisville & Nashville Railroad to the intersection of said right-of-way line and the east boundary of the Northeast Quarter of the Southeast Quarter of Section 18, Township 21 South, Range 9 West; thence northwardly along the present City Limit line and the east boundary of the said Northeast Quarter of the Southeast Quarter to the northeast corner of the Southeast Quarter of said Section 18; thence westwardly along the present City Limit line and the north boundary of the Northeast Quarter of the Southeast Quarter of said Section 18 to the northwest corner of the Northeast Quarter of the Southeast Quarter of said Section 18; thence southwardly along the present City Limit line and the west boundary of the Northeast Quarter of the Southeast Quarter of said Section 18 to the intersection of said boundary and the north right-of-way of the Louisville & Nashville Railroad; thence westwardly along the present City Limit line and the north right-of-way line of the Louisville and Nashville Railroad to the intersection of said Railroad right-of-way and the east boundary of the West One-Half of the West One-Half of said Section 18; thence northwardly along the present City Limit line and the east boundary of the said West One-Half of the West One-Half to the intersection with the west boundary of the property belonging to the Gulf States Paper Corporation; thence southeastwardly along a line with a bearing of South forty degrees and thirty minutes East (S40°30'E) for a distance of 220 feet to a point; thence southeastwardly along a line with a bearing of South twenty degrees and fifty-seven minutes East (S20°57'E) for a distance of 379.3 feet to a point; thence southeastwardly along a line with a bearing of South forty-seven degrees and twenty-

three minutes East (S47°23'E) for a distance of 428.5 feet to a point; thence southeastwardly along a line with a bearing of South twenty degrees and forty-nine minutes East (S20°49'E) for a distance of 421 feet to a point, which point is on the south boundary of a road to be constructed under Project SACP-3249-A going from U. S. No. 82 By-pass to the Holt Road; thence northeastwardly along the said south boundary of said road with a bearing of North twenty-eight degrees and twenty-one minutes East (N28°21'E) for a distance of 143.84 feet to the point of curve of a six degree and twenty-four minute (6°24') curve to the right; thence continue northeastwardly along the south boundary of said road and along said curve for a distance of 436.72 feet to the point of tangent of said curve; thence continue northeastwardly along the said boundary of said road with a bearing of North fifty-six degrees and eighteen minutes East (N56°18'E) for a distance of 236.08 feet to the point of curve of a five degree and thirty-nine minute (5°39') curve to the left; thence continue northeastwardly along the south boundary of said road and along said curve for a distance of 597.94 feet to the point of tangent of said curve; thence continue northwardly along the south boundary of said road with a bearing of North twenty-two degrees and thirty-one minutes East (N22°31'E) for a distance of 679.19 feet to the point of curve of a two degree and thirty-four minute (2°34') curve to the right; thence continue northeastwardly along the south boundary of said road and along said curve for a distance of 955.19 feet to the point of tangent of said curve; thence continue northeastwardly along the south boundary of said road with a bearing of North forty-seven degrees and two minutes East (N47°02'E) for a distance of 865.66 feet to the point of curve of a five degree and sixteen minute (5°16') curve to the right; thence continue northeastwardly along the south boundary of said road and along said curve for a distance of 632.03 feet, more or less, to the intersection with the east boundary of a county road known as the Holt Road; thence northeastwardly along the east boundary of said Holt Road to the intersection with the north boundary of the South One-Half of Section 8, Township 21 South, Range 9 West; thence eastwardly along the north boundary of the South One-Half of said Section 8 to the northeast corner of the South One-Half of said Section 8; thence southwardly along the east boundary of said Section 8 to the southeast corner of said Section 8, Township 21 South, Range 9 West, which is the point of beginning.

All being in Tuscaloosa County, Alabama.

PARCEL "B"

To find the point of beginning start at the northwest corner of Section 30, Township 21 South, Range 9 West; thence eastwardly along the north boundary of said Section 30 for a distance

of 2067 feet to a point; thence southwardly with a bearing of South zero degrees and thirty minutes East ($S0^{\circ}30'E$) for a distance of 25 feet, which is the northwest corner of the Shelton Trade School property; thence continue southwardly with a bearing of South zero degrees and thirty minutes East ($S0^{\circ}30'E$) for a distance of 2377.4 to a point, which point is on the present City Limit line and the point of beginning; thence northeastwardly along the present City Limit line with a bearing of North sixty-two degrees and six minutes East ($N62^{\circ}6'E$) for a distance of 691.8 feet to a point; thence northwardly along the present City Limit line and the west boundary of the Southwest Quarter of the Northeast Quarter of said Section 30 with a bearing of North zero degrees and fifteen minutes West ($N0^{\circ}15'W$) for a distance of 765.5 feet to the northwest corner of the said Southwest Quarter of the Northeast Quarter; thence eastwardly along the present City Limit line and the north boundary of the said Southwest Quarter of the Northeast Quarter for a distance of 675.4 feet to a point where said north boundary intersects the east right-of-way of 17th Avenue East; thence southwardly along the present City Limit line and the east right-of-way line of 17th Avenue East for a distance of 550 feet to the southeast corner of the intersection of 17th Avenue East and 20th Street East; thence eastwardly along the present City Limit line and the south right-of-way line of said 20th Street East and parallel to the J. L. Ford Resurvey, a plat of which is recorded in Plat Book 5 at Page 131 in the Office of the Probate Judge of Tuscaloosa County, Alabama, for a distance of 678 feet to a point on the west boundary of the Southeast Quarter of the Northeast Quarter of said Section 30; thence northwardly along the present City Limit line and the west boundary of the said Southeast Quarter of the Northeast Quarter for a distance of 231 feet to the southwest corner of Lot 11 of the George W. Dockery, Jr. Subdivision, a plat of which is recorded in Plat Book 6 at Page 135 in the Office of the Probate Judge of Tuscaloosa County, Alabama; thence eastwardly along the present City Limit line and the south boundary line of the said George W. Dockery, Jr. Subdivision and the Tanglewood Drive Subdivision, a plat of which is recorded in Plat Book 6 at Page 146 in the Office of the Probate Judge of Tuscaloosa County, Alabama, and the extension eastwardly thereof, for a distance of 1320.5 feet to a point on the west boundary of the Southwest Quarter of the Northwest Quarter of Section 29, Township 21 South, Range 9 West, which point is 330 feet south of the northwest corner of the said Southwest Quarter of the Northwest Quarter; thence southwardly along the present City Limit line and the west boundary of the said Southwest Quarter of the Northwest Quarter to the southwest corner of the said Southwest Quarter of the Northwest Quarter; thence eastwardly along the present City Limit line and the south boundary of the said Southwest Quarter of the Northwest Quarter to the southeast

corner of the said Southwest Quarter of the Northwest Quarter; thence northwardly along the present City Limit line and the east boundary of the said Southwest Quarter of the Northwest Quarter to the northeast corner of the said Southwest Quarter of the Northwest Quarter; thence eastwardly along the present City Limit line and the south boundary of the Northeast Quarter of the Northwest Quarter of said Section 29 to the southeast corner of the said Northeast Quarter of the Northwest Quarter of said Section 29; thence northwardly along the present City Limit line and the east boundary of said Northeast Quarter of the Northwest Quarter of said Section 29 to the northeast corner of the said Northeast Quarter of the Northwest Quarter of said Section 29; thence eastwardly along the present City Limit line and the north boundary of said Section 29 to the northeast corner of the Northwest Quarter of the Northeast Quarter of said Section 29; thence northwardly along the present City Limit line and the west boundary of the Southeast Quarter of the Southeast Quarter of Section 20, Township 21 South, Range 9 West, to the north boundary of 15th Street East; thence eastwardly along the present City Limit line and the north right-of-way of 15th Street East, to the east boundary of the said Southeast Quarter of the Southeast Quarter of said Section 20; thence southwardly along the present City Limit line and the east boundary of said Section 20 to the southeast corner of Section 20; thence southwardly along the present City Limit line and the east boundary of Section 29, Township 21 South, Range 9 West, to the southeast corner of the Southeast Quarter of the Northeast Quarter of said Section 29; thence westwardly along the present City Limit line and the north boundary of the Northeast Quarter of the Southeast Quarter of said Section 29 to the northeast corner of the West One-Half of the said Northeast Quarter of the Southeast Quarter of said Section 29; thence southwardly along the present City Limit line and the east boundary of the West One-Half of the said Northeast Quarter of the Southeast Quarter to the southeast corner of the West One-Half of the said Northeast Quarter of the Southeast Quarter of said Section 29; thence westwardly along the present City Limit line and the south boundary of the said Northeast Quarter of the Southeast Quarter of said Section 29 to the southwest corner of the said Northeast Quarter of the Southeast Quarter of said Section 29; thence northwardly along the present City Limit line and the east boundary of the Northwest Quarter of the Southeast Quarter of said Section 29 to the northeast corner of the said Northwest Quarter of the Southeast Quarter of said Section 29; thence continue northwardly along the present City Limit line and the east boundary of the Southwest Quarter of the Northeast Quarter of said Section 29 to a point where the said east boundary line intersects the north right-of-way line of the Pelham Loop Road; thence westwardly along the present City Limit line and the north

right-of-way line of the Pelham Loop Road to a point where the said north right-of-way line of the Pelham Loop Road intersects the north boundary of the said Northwest Quarter of the Southeast Quarter of said Section 29; thence continue westwardly along the present City Limit line and the north boundary of the said Northwest Quarter of the Southeast Quarter of said Section 29 to the northwest corner of the Southeast Quarter of said Section 29; thence continue westwardly along the present City Limit line and the north boundary of the Northeast Quarter of the Southwest Quarter of said Section 29 to a point where the east right-of-way line of 29th Avenue East (Fairmont Drive) intersects the said north boundary of the said Northeast Quarter of the Southwest Quarter of Section 29; thence southwardly along the present City Limit line and the east right-of-way line of 29th Avenue East (Fairmont Drive) to the north right-of-way line of the Pelham Loop Road; thence westwardly along the present City Limit line and the north right-of-way line of the Pelham Loop Road to a point where said north right-of-way line intersects the east boundary of the Northwest Quarter of the Southwest Quarter of said Section 29; thence southwardly along the present City Limit line and the east boundary of the West One-Half of the Southwest Quarter of said Section 29 to the southeast corner of the said West One-Half of the Southwest Quarter of said Section 29; thence continue southwardly along the present City Limit line and the east boundary of the Northwest Quarter of the Northwest Quarter of Section 32, Township 21 South, Range 9 West, to the southeast corner of the said Northwest Quarter of the Northwest Quarter of said Section 32, which point is on the present City Limit line; thence southwardly along the east boundary of the Southwest Quarter of the Northwest Quarter of said Section 32 to the southeast corner of said Southwest Quarter of the Northwest Quarter of said Section 32; thence westwardly along the south boundary of the said Southwest Quarter of the Northwest Quarter of said Section 32 to the southwest corner of the said Southwest Quarter of the Northwest Quarter of said Section 32; thence continue westwardly along the south boundary of the North One-Half of Section 31, Township 21 South, Range 9 West, to a point where the said south boundary intersects the present City Limit line, which point is 210 feet east of the east right-of-way of the Albright Road, or 223 feet east of the southwest corner of the Southwest Quarter of the Northwest Quarter of said Section 31; thence northwardly along the present City Limit line and parallel to the east right-of-way line of the Albright Road, to a point where said City Limit line intersects the north boundary line of Lot 11 of the Martha Caroline Albright Subdivision, a plat of which is recorded in Plat Book 6 at Page 9 in the Office of the Probate Judge of Tuscaloosa County, Alabama; thence eastwardly along the present City Limit line and the said north boundary line of Lot 11

for a distance of 710 feet to the northeast corner of said Lot 11; thence northwardly along the present City Limit line and along the prolongation of the east boundary line of said Lot 11 for a distance of 412 feet to a point on the south boundary of Princeton Heights, a plat of which is recorded in Plat Book 4 at Page 69 in the Office of the Probate Judge of Tuscaloosa County, Alabama; thence westwardly along the present City Limit line and the south boundary line of said Princeton Heights to a point, which point is on the west half of Lot 10 of said Princeton Heights; thence continue northwardly along the present City Limit line and the east line of the west half of said Lot 10 to the northeast corner of the west half of said Lot 10 and the south right-of-way line of 31st Street East; thence eastwardly along the present City Limit line and the said south right-of-way line of 31st Street East to a point where the prolongation of the west boundary of Lot 2 of said Princeton Heights intersects said south right-of-way of 31st Street East; thence northwardly along the present City Limit line and the east boundary of said Lot 2 to a point where the prolongation of said east boundary intersects the south boundary of Section 30, Township 21 South, Range 9 West; thence eastwardly along the present City Limit line and the south boundary of said Section 30 to the southwest corner of the Southeast Quarter of said Section 30, which is the southeast corner of Cedar Knoll Subdivision, a plat of which is recorded in Plat Book 6 at Page 62 in the Office of the Probate Judge of Tuscaloosa County, Alabama; thence northwardly along the present City Limit line and the west boundary of the East One-Half of said Section 30 to a point where said west boundary intersects the south right-of-way of the Hargrove Road; thence westwardly along the present City Limit line and the said south right-of-way line of Hargrove Road to a point where said right-of-way intersects the east boundary of the Northwest Quarter of the Southwest Quarter of said Section 30; thence northwardly along the present City Limit line and the east boundary of the said Northwest Quarter of the Southwest Quarter of said Section 30 to the northeast corner of the said Northwest Quarter of the Southwest Quarter of said Section 30; thence eastwardly along the present City Limit line and the south boundary of the Southeast Quarter of the Northwest Quarter of said Section 30 to a point, which point is 2067 feet east of the northwest corner of the Southwest Quarter of said Section 30; thence northwardly on a bearing of North zero degrees and thirty minutes West (N0°30'W) along the present City Limit line to the point of beginning. All being in Tuscaloosa County, Alabama. Less and except the territory included within the boundaries of Circlewood Subdivision Section A and Circlewood Subdivision Section B, as the same appear of record in the Office of the Probate Judge of Tuscaloosa County, Alabama, in Plat Book 5 at Pages 124 and 125.

PARCEL "C"

For a point of beginning, begin at the northwest corner of Section 31, Township 21 South, Range 9 West; thence eastwardly along the present City Limit line and the north boundary of said Section 31 for a distance of 340.2 feet, which point is the prolongation of the east boundary of Lot 1 of Princeton Heights, a plat of which is recorded in Plat Book 4 at Page 69 in the Office of the Probate Judge of Tuscaloosa County, Alabama; thence southwardly along the present City Limit line and the east boundary of said Lot 1 for a distance of 688.5 feet to the northeast corner of Lot 9 of said Princeton Heights; thence westwardly along the present City Limit line and the north boundary of said Lot 9 to the northwest corner of said Lot 9; thence southwardly along the present City Limit line and the west boundary of said Lot 9, and the east right-of-way line of the Albright Road, to the southwest corner of said Lot 9, which is also on the south boundary of the Northwest Quarter of the Northwest Quarter of said Section 31; thence westwardly along the said south boundary to the southwest corner of the said Northwest Quarter of the Northwest Quarter of said Section 31; thence westwardly along the south boundary of the Northeast Quarter of the Northeast Quarter of Section 36, Township 21 South, Range 10 West, to the southwest corner of the Northeast Quarter of the Northeast Quarter of said Section 36; which point is on the present City Limit line; thence northwardly along the present City Limit line and the west boundary of the Northeast Quarter of the Northeast Quarter of said Section 36 to the northwest corner of the said Northeast Quarter of the Northeast Quarter of said Section 36; thence northwardly along the present City Limit line and the west boundary of the Southeast Quarter of the Southeast Quarter of Section 25, Township 21 South, Range 10 West, to the northwest corner of the said Southeast Quarter of the Southeast Quarter of said Section 25; thence westwardly along the south boundary of the Northwest Quarter of the Southeast Quarter and the present City Limit line of said Section 25, to the intersection with the prolongation southwardly of the east boundary of Lots 1 and 2 and Lots 46 thru 49 of the East Arlington Subdivision, a plat of which is recorded in Plat Book 6 at Page 67 in the Office of the Probate Judge of Tuscaloosa County, Alabama; thence northwardly to the northeast corner of said Lot 46 of said East Arlington; thence continue northwardly along the present City Limit line and the prolongation of the east boundary of said Lots 46 thru 49 of said East Arlington to the north right-of-way of the Hargrove Road; thence eastwardly along the north right-of-way of the Hargrove Road and the present City Limit line, to a point where said right-of-way intersects the east boundary of said Section 25; thence in a southerly direction along the east boundary of said Section 25 to the point of beginning.

All being in Tuscaloosa County, Alabama.

PARCEL "D"

The point of beginning is the southwest corner of Section 25, Township 21 South, Range 10 West; thence eastwardly along the south line of said Section 25 to the southwest corner of Lot 19 of the Fitts Heights Subdivision No. 2, a plat of which is recorded in Plat Book 6 at Page 56 in the Office of the Probate Judge of Tuscaloosa County, Alabama, this point is on the present City Limit line; thence turn left with a deflection angle of ninety-six degrees and thirty-six minutes ($96^{\circ}36'$) and run northwardly along the present City Limit line and the west boundary of Lots 19 and 20 of said Fitts Heights Subdivision No. 2 to the northwest corner of said Lot 20; thence turn right with a deflection angle of ninety-six degrees and twenty-three minutes ($96^{\circ}23'$) and run in an eastwardly direction along the present City Limit line and the north boundary of Lots 20 and 23 of said Fitts Heights Subdivision No. 2 for a distance of 276.4 feet to the northeast corner of said Lot 23; thence northwardly along the present City Limit line and the west boundary of Narrow Lane, to the intersection with the south boundary of Lot 24 of said Fitts Heights Subdivision No. 2; thence turn left with a deflection angle of ninety-seven degrees and thirty minutes ($97^{\circ}30'$) and run in a westwardly direction along the present City Limit line and the south boundary of said Lot 24 to the southwest corner of said Lot 24; thence turn right with a deflection angle of ninety degrees and zero minutes ($90^{\circ}0'$) and run in a northwardly direction along the west boundary of said Lot 24 for a distance of 100 feet to the northwest corner of said Lot 24; thence turn right with a deflection angle of ninety degrees and zero minutes ($90^{\circ}0'$) and run in an eastwardly direction along the present City Limit line and the north boundary of Lots 24 thru 26 of said Fitts Heights Subdivision No. 2 for a distance of 220 feet to the northeast corner of said Lot 26, turn left with a deflection angle of ninety degrees and zero minutes ($90^{\circ}0'$) and run in a northwardly direction along the present City Limit line and the west boundary of Lots 28 thru 33 of said Fitts Heights Subdivision No. 2 and the extension northwardly of said boundary to the intersection with the north boundary of the Hargrove Road; thence northwestwardly along the north boundary of the Hargrove Road, and the present City Limit line, to a point where the prolongation of the west boundary of Harrison Street and the north boundary of the Hargrove Road intersect; thence southwardly along the west boundary of Harrison Street, and the present City Limit line, to the north boundary of the Southwest Quarter of the Southwest Quarter of Section 25, Township 21 South, Range 10 West; thence westwardly along the present City Limit line and the north boundary of the said Southwest Quarter of the Southwest Quar-

ter of said Section 25 to the northwest corner of the said Southwest Quarter of the Southwest Quarter of said Section 25; thence westwardly along the north boundary of the South One-Half of the Southeast Quarter of Section 26, Township 21 South, Range 10 West, to the northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 26; thence southwardly along the present City Limit line and the west boundary of the Southeast Quarter of said Section 26 to the southwest corner of the said Southeast Quarter of said Section 26; thence eastwardly along the south boundary of said Section 26 to the southeast corner of said Section 26, which is the point of beginning.

All being in Tuscaloosa County, Alabama.

PARCEL "E"

For a point of beginning start at the southwest corner of Section 27, Township 21 South, Range 10 West; thence eastwardly along the present City Limit line and the south boundary of the Southwest Quarter of said Section 27 to the southeast corner of the said Southwest Quarter of said Section 27; thence northwardly along the east boundary of the said Southwest Quarter of said Section 27 and the present City Limit line to a point where said east boundary intersects the southeast boundary of the road which lies on the south boundary of the Kennedy Realty Company Resurvey of the F. E. Shide Survey, as shown by the plat of said resurvey, recorded in Plat Book 2 at Page 45 in the Office of the Probate Judge of Tuscaloosa County, Alabama (said road being a street or road designated on said plat as being "County Road", and it being the intent hereof to include said road or street within the City); thence northeastwardly along the present City Limit line and the south boundary of said road, to an intersection with the extension southwardly of the west boundary of Lot 66 of the J. J. Harris Survey, as shown by a plat of which is recorded in Plat Book 1 at Page 19 in the Office of the Probate Judge of Tuscaloosa County, Alabama; thence northwardly along the extension southwardly of said west boundary of said Lot 66, and the present City Limit line, to the south boundary of 24th Street (South 8th Avenue as shown on said plat of said J. J. Harris Survey, said South 8th Avenue being now designated on the map of the City of Tuscaloosa and known as 24th Street); thence eastwardly along the south boundary of 24th Street and the present City Limit line to a point where said south boundary of 24th Street intersects the west boundary of the Gulf, Mobile & Ohio Railroad; thence southwardly along said west boundary of the Gulf, Mobile & Ohio Railroad, to a point where said Railroad boundary intersects the south boundary of the Southwest Quarter of the Southwest Quarter of Section 35, Township 21 South, Range 10 West; thence westwardly along said south boundary to the southwest

corner of said Section 35; thence southwardly along the east boundary of Section 3, Township 22 South, Range 10 West, to the southeast corner of the Northeast Quarter of said Section 3; thence westwardly along the south boundary of the Northeast Quarter of said Section 3 to the east boundary of the Alabama Great Southern Railroad; thence northwardly along the said east boundary of the Alabama Great Southern Railroad to a point, which point is 638.3 feet north of the south boundary of the Northwest Quarter of the Northeast Quarter of said Section 3, measured along a line parallel to the west boundary of said Northwest Quarter of the Northeast Quarter of said Section 3; thence westwardly and parallel to the north boundary of the said Northwest Quarter of the Northeast Quarter of said Section 3 to a point on the west boundary of said Northwest Quarter of the Northeast Quarter of said Section 3, which point is 638.3 feet north of the southwest corner of said Northwest Quarter of the Northeast Quarter of said Section 3; thence northwardly along the west boundary of the Northeast Quarter of said Section 3 to the northwest corner of the Northeast Quarter of said Section 3; thence westwardly along the north boundary of said Section 3 to a point, which point is 944.6 feet from the northwest corner of said Section 3; thence southwestwardly along a bearing of South sixty-five degrees and thirty minutes West (S65°30'W) for a distance of 1635.67 feet to a point; thence northwardly along a bearing of North twenty-three degrees and thirty minutes West (N23°30'W) for a distance of 491 feet to a point; thence northwardly along a bearing of North fourteen degrees and zero minutes East (N14°0'E) for a distance of 448 feet to a point; thence northwardly along a bearing of North two degrees and zero minutes East (N2°0'E) for a distance of 100 feet to a point; thence northwardly along a bearing of North twelve degrees and fifteen minutes East (N12°15'E) for a distance of 547 feet to a point; thence northwardly along a bearing of North thirty degrees and zero minutes East (N30°0'E) for a distance of 125 feet to a point; thence northeastwardly along a bearing of North fifty-four degrees and thirty minutes East (N54°30'E) for a distance of 248 feet to a point; thence northeastwardly along a bearing of North thirty-five degrees and thirty minutes East (N35°30'E) for a distance of 248 feet to a point, which point is on the west boundary of Section 34, Township 21 South, Range 10 West; thence northwardly along the west boundary of said Section 34 to the northwest corner of said Section 34, which is the point of beginning.

All being in Tuscaloosa County, Alabama.

Section 2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Section 3. This act shall become effective immediately upon

its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 3:14 P. M.

Act No. 564

S. 425—Wyatt

AN ACT

To alter or rearrange the boundary lines of the city of Pell City, St. Clair County, Alabama, so as to include within the Corporate Limits of said City all territory now within such Corporate Limits, and also certain other territory in St. Clair County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Pell City, St. Clair County, Alabama, be and the same are altered or rearranged so as to include within the Corporate Limits of said City all territory now within such Corporate Limits, and also certain other territory in St. Clair County, Alabama, described as follows: The South one-half of the Southeast Quarter; the Southeast Quarter of the Southwest Quarter and all that part of the Southwest Quarter of the Southwest Quarter lying East of the present Corporate Limit Line of the City of Pell City, all in Section 35, Township 16, South, Range 3, East, St. Clair County, Alabama; also, the Northeast Quarter of the Northeast Quarter, the South one-half of the Southeast Quarter and all that part of the Northeast Quarter of the Southeast Quarter lying South of the North right-of-way line of the Southern Railway; the South one-half of the Southwest Quarter and the Northwest Quarter of the Southwest Quarter, all in Section 2, and also, the Southeast diagonal one-half of the Southeast Quarter of Section 3, all in Township 17, South, Range 3, East, St. Clair County, Alabama.

Section 2. That the boundaries as set out in Section 1, of this Act, be and the same are hereby established as the Corporate Limits of the City of Pell City, St. Clair County, Alabama, and all the territory included and embraced in said boundaries shall hereafter be and constitute the City of Pell City, St. Clair County, Alabama.

Section 3. This Act shall go into effect immediately upon the passage and approval by the Governor.

Approved November 19, 1959.

Time: 3:16 P. M.

Act No. 565

H. 662—Rast, Perry, Hawkins, Edwards

AN ACT

For the relief of Robins Engineering, Inc.: To make an appropriation of State Highway Department funds to compensate such company for certain construction work done on Alabama Highway Project S-532-B Lauderdale County, Alabama.

WHEREAS the State Highway Department approved Roebuck Construction Company as a general contractor for highway contracts in this State, awarded such company a contract for certain construction work in connection with Alabama Highway Project S-532-B Lauderdale County, and accepted as surety for the faithful performance of such contract by Roebuck Construction Company a bond issued by Alabama General Insurance Company; and

WHEREAS nearly thirty-five percent of the construction work covered by the above mentioned contract with Roebuck Construction Company was, according to the terms of the contract, to be done and performed by Robins Engineering, Inc., a subcontractor of Roebuck Construction Company, which had been by the State Highway Department specifically qualified for the particular work to be done on this particular project, and such work was in fact completed by Robins Engineering, Inc., and when completed was inspected and approved by the district engineer for the State Highway Department; and

WHEREAS according to the terms of the above mentioned contract Robins Engineering, Inc., was to receive as compensation for the construction of a certain culvert, a bridge culvert, and a culvert extension a total of \$36,317.33, of which sum only \$8,186.25 has been paid to Robins Engineering, Inc., and there is a balance still due and unpaid under this contract to Robins Engineering, Inc., of \$28,131.08; and

WHEREAS, Roebuck Construction Company and Alabama General Insurance Company have both been declared bankrupt and the assets of these companies are not sufficient for any further or additional payment to the said Robins Engineering, Inc., and

WHEREAS the financial condition of Alabama General Insurance Company when, and even before, it executed the above mentioned bond was so questionable as to have warranted the revocation of its license, yet this had not been done by the State Insurance Department; and

WHEREAS subsequent events have proven that Roebuck Construction Company was not qualified to carry out contracts of the kind awarded it, yet this company had been approved as a

general contractor for highway work by the State Highway Department; and

WHEREAS, the State Highway Department, knowing full well that Robins Engineering, Inc., had performed approximately thirty-five percent of the above mentioned contract, mailed its payments on the estimates of this work to the Roebuck Construction Company in care of a bank, and took no precaution to assure the receipt by Robins Engineering, Inc., of its proportionate part of the payments made under the above mentioned contract; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of eighteen thousand nine hundred thirty dollars and forty-three cents (\$18,930.43) is hereby appropriated from any unpledged funds in the state treasury to the credit of the State Highway Department, to the use and benefit of Robins Engineering, Inc., to compensate such company for construction work done on Alabama Highway Project S-532-B Lauderdale County, Alabama for which it was not paid by Roebuck Construction Company under such circumstances that the State is morally and justly obligated to pay therefor yet said Robins Engineering, Inc., has no recourse at law for the collection thereof.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 12:35 P. M.

Act No. 566

H. 36—Copeland, Casey

AN ACT

Relating to frauds concerning checks, drafts, or orders for the payment of money; prohibiting the giving of worthless checks or drafts; prescribing penalties; repealing conflicting laws (Act No. 116, H. 63, approved June 20, 1951).

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person to procure any article or thing of value, or to secure possession of any personal property to which a lien has attached or for the payment of wages or salaries to make or draw or utter or deliver, with intent to defraud, any check, draft or order, for the payment of money, upon any bank, person, firm, or corporation, knowing at the time of such making, drawing, uttering, or delivering, that the maker, or drawer, has not sufficient funds in, or on deposit with, such bank, person, firm, or corporation, for

the payment of such check, draft, or order, in full, and all other checks, drafts or orders upon such funds then outstanding.

Section 2. As against the maker, or drawer thereof, the making, drawing, uttering, or delivering of a check, draft, or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in, or on deposit with, such bank, person, firm, or corporation. Provided, proof of payment of the amount due the holder of the check, draft, or order by the drawer, within ten days after notice that such check, draft, or order was not paid by the drawee, shall be sufficient to overcome the presumption of prima facie evidence provided herein.

Section 3. The word "notice" as used herein shall be construed to include either notice given to the person entitled thereto in person or notice given to such person in writing. Such notice in writing shall be conclusively presumed to have been given when deposited, as registered or certified mail, in the United States mail, addressed to such person at his address as it appears on such check, draft, or order, or at his last known address.

Section 4. Whoever violates this Act is guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding one thousand dollars or imprisonment for not more than one year, or both. And in addition thereto, the court, justice, or jury trying the issue, unless the property has been returned or the value thereof paid to the owner, must assess the value of each article, and such assessed value shall be made an item of cost in the case, and shall be paid in like manner as other costs taxed against the defendant; and the clerk of the court shall issue a certificate to the owner of the property for the value of such property as assessed by the court or jury; provided, that the amount of such assessed value must not be included in any bill of costs paid by the State, or for which the defendant is sentenced to hard labor. On the second or any subsequent conviction of an offense described herein, when the conviction arises out of the issuance of a check, draft, or order dated subsequent to the date of the conviction of the first offense, the defendant must be sentenced to hard labor for the county for not less than thirty (30) days, for which the court may place the defendant on probation.

Section 5. Any person who has theretofore filed a complaint with any circuit or county solicitor of this State alleging a violation of this Act, or who has furnished information to any such circuit or county solicitor which has resulted in the acceptance of such circuit or county solicitor of such a complaint, or who has testified concerning such a violation before a grand jury of this State which has thereafter returned an indictment

on such violation, who shall suggest to or request the circuit or county solicitor in charge of such prosecution that such case be dismissed shall be taxed with all costs accruing in the proceeding.

Section 6. This Act supersedes Act No. 116, H. 63, approved June 20, 1951, and said Act No. 116 is hereby expressly repealed.

Section 7. If any section, subsection, clause, phrase, or sentence of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, clause, phrase or sentence thereof, irrespective of the fact that one or more of the sections, subsections, clauses, phrases or sentences be declared unconstitutional.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, provided, that no case pending in court on the date of its enactment shall be affected thereby.

Approved November 19, 1959.

Time: 3:17 P. M.

Act No. 567

H. 38—Copeland, Casey

AN ACT

Relating to civil remedies and procedures; providing for actions on worthless checks, drafts, or orders for the payment of money.

Be It Enacted by the Legislature of Alabama:

Section 1. The holder of a worthless check, draft, or order for the payment of money shall have a right of action against the person who unlawfully made, uttered, or delivered the same to him or to his endorser. And such action may be maintained though there has been no prosecution or conviction or acquittal of the defendant for his unlawful act. Such action must be brought within one year from the date of the unlawful act. The plaintiff in such action may recover such damages, both punitive and compensatory, including a reasonable attorney fee, as the jury or court trying the case may assess.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 3:18 P. M.

Act No. 568

H. 1012—Thomas, Lee

AN ACT

To provide for the recording of conveyances in Barbour County, and to repeal Sections 2, 3, 4 and 5 of Act No. 270, approved February 12, 1879, Acts of Alabama 1878-79, pages 295 and 296.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purpose of recording deeds, mortgages, deeds of trust, bills of sale, contracts or other instruments, purporting to convey any right, title, easement or interest in any real estate or personal property, and all assignments of mortgages, deeds of trust, or other securities for debt, or extension agreements with respect thereto, when executed in accordance with law, shall be admitted to record in the respective offices of the Judge of Probate of Barbour County as hereinafter set out.

Section 2. For the purposes of this Act, Barbour County shall be composed of two divisions, separated by a line beginning on the south boundary of said county at a point three miles west of the range line between Range 27 and Range 28, from thence running north in a straight line three miles west of and parallel to said range line to the intersection of said parallel line with the township line between Township 11 and Township 12, thence West along said Township line to intersection of said Township line with Range line between Range 26 and Range 27, thence North along said Range line 3 miles to corner where Sections 13 and 24, Township 12, Range 26, and Sections 18 and 19, Township 12, Range 27 meet in a point; thence West along section lines 3 miles to Southeast corner of Bullock County.

Section 3. All instruments of the character listed in Section 1 hereof, relating to property situated North and East of said division line described in Section 2 hereof shall be recorded in the office of the Judge of Probate of Barbour County at Eufaula; all such instruments relating to property situated South and West of said line described in Section 2 hereof shall be recorded in the office of the Judge of Probate of Barbour County at Clayton. All such instruments relating to property situated in both divisions of the county shall be recorded in both offices of the Judge of Probate of Barbour County.

Section 4. The filing as provided in this Act of any instrument which may legally be admitted to record shall operate as notice of the contents of such conveyance or instrument; and the filing of such instrument other than as herein provided shall not operate as notice of the same.

Section 5. Sections 2, 3, 4, and 5 of Act No. 270, approved February 12, 1879, Acts of Alabama 1878-79, pages 295 and 296, are hereby repealed.

Section 6. This Act shall become effective on January 1, 1960.

Section 7. All laws, or parts of laws, in conflict herewith are repealed.

Approved November 19, 1959.

Time: 3:19 P. M.

Act No. 569

H. 1134—Adams (Tallapoosa), Johnson
(Tallapoosa)

AN ACT

To alter, rearrange and extend the boundaries of Dadeville, Tallapoosa County; repealing Section 2 of Act No. 286, H. B. 197, passed at the Session of 1878-1879, and approved January 16, 1879 (Acts of Alabama 1878, p. 328).

Be It Enacted by the Legislature of Alabama:

Section 1. The corporate limits of the town of Dadeville, Tallapoosa County, are hereby altered, rearranged, and extended so as to embrace and include all tracts, lots and parcels of land in a boundary extending one and one-half miles in every direction from the center of the courthouse square in said town.

Section 2. Section 2 of Act No. 286, H. B. 197, passed at the Session of 1878-1879, and approved January 16, 1879 (Acts of Alabama 1878, p. 328) and all other laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 3:20 P. M.

Act No. 570

H. 752—Nichols, Camp

AN ACT

To make additional appropriations to the State Department of Education for each of the fiscal years ending September 30, 1960, and September 30, 1961.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of one hundred thousand dollars (\$100,000) is hereby appropriated to the State Department of Education for each of the fiscal years ending September 30, 1960, and September 30, 1961, from the Alabama special educational trust fund, to be allocated and used as follows: fifty thousand dollars (\$50,000) each year shall be used in the program relating

to the physical restoration of crippled children and the remainder shall be used in the program relative to civilian rehabilitation. The appropriations herein made are in addition to the appropriations made by Act No. 110, H. 1, approved August 24, 1959.

Section 2. This Act shall take effect October 1, 1959, or, if enacted after such date, the Act shall take effect immediately.

Approved November 19, 1959.

Time: 3:21 P. M.

Act No. 571

S. 335—Robison

AN ACT

To revise and amend Chapter 4 of Title 46 of the Code of Alabama (1940), relating to the licensing of general contractors

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81 and 82 of Title 46, Code of Alabama (1940), all of which relate of the licensing of general contractors, are hereby revised and amended to read as follows:

Section 65: Definitions.—For the purpose of this chapter a “general contractor” is defined to be one who, for a fixed price, commission, fee or wage, undertakes to construct or superintend the construction of any building, highway, sewer, grading, or any improvement or structure where the cost of the undertaking is twenty thousand dollars or more, and any one who shall engage in the construction or superintending the construction of any structure or any undertaking or improvements above mentioned, in the State of Alabama, costing twenty thousand dollars or more, shall be deemed and held to have engaged in the business of general contracting in the State of Alabama.

Section 66. Licensing Board.—In order to safe guard life, health and property and to promote the general public welfare by requiring that only properly qualified persons be permitted to engage in general contracting, there shall be a State Licensing Board for General Contractors, consisting of five members, who shall be appointed by the governor. Each of said members shall be a general contractor within the meaning of this chapter, with at least ten years' experience in such field as such a contractor. At least one member of such board shall have, as a larger part of his business the construction of highways. At least one member of such board shall have as a larger part of his business, the construction of public utilities. At least one member shall have, as a larger part of his business, the construction of buildings. The members of the Board shall be appointed for one, two,

three, four, and five years respectively, their term of office expiring on the 31st day of December of said years. Thereafter on the thirty-first day of December in each year the governor shall appoint to fill the vacancies caused by the expiration of the term of office a member for a term of five years. Each member shall hold over, after the expiration of his term until his successor shall be duly appointed and qualified. If a vacancy shall occur in the board for any cause, the same shall be filled by the appointment of the governor, and the governor may remove any member of the board at any time, with or without cause.

Section 67. Oath of board.—Each member of the board shall, before entering upon the discharge of the duties of his office, take and file with the secretary of state, the oath required by section 279 of the Constitution of Alabama.

Section 68. Officers of Board.—When the governor appoints said board he shall designate and commission one of its members as chairman, another as vice-chairman and another as secretary-treasurer. Said board shall have the power to make such by-laws, rules and regulations as it shall deem best, provided the same shall not conflict with the laws of the state of Alabama. The secretary-treasurer shall give bond in such sum as the board shall determine with such surety as shall be approved, said bond to be conditioned upon the faithful performance of the duties of his office and for the faithful accounting of all moneys and other properties as shall come into his hands. Each member of the board shall receive ten dollars per day for attending sessions of the board or its committee, and for time actually spent in necessary travel in attending meetings of said board or its committees and in addition shall be reimbursed for necessary traveling and clerical expenses incurred in carrying out the provisions of this chapter. All expenses certified by the board as properly and necessarily incurred in the discharge of its duties, including authorized compensations, office rent and supplies shall be paid out of the state licensing board for general contractors fund in the state treasury in the manner provided in section 71 of this chapter, provided, however, that no funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Title 55, chapter, 4, article 3, of the Code of Alabama 1940, and only in the amounts as stipulated in the general appropriation bill.

Section 69. Seal.—The board shall adopt a seal for its own use. Such seal shall have the words "License Board for Contractors, State of Alabama," and the secretary shall have the charge, care and custody thereof.

Section 70. Meetings of board.—The board shall have four regular meetings in each year, one in January, one in April, one

in July, and one in October, for the purpose of transacting such business as may properly come before it, and as many special or adjourned meetings as the board may deem necessary, on call of the chairman of the board. Special or adjourned meetings may be held at such time as the board may provide by the by-laws it shall adopt, or at such time as the board may by reasonable resolution provide. Due notice of each meeting and the time and place thereof shall be given to each member by mail at least one week prior to said meeting. Three members of the board shall constitute a quorum. All meetings of the board shall be held in the City of Montgomery, Alabama.

Section 71. Records and accounts.—The secretary-treasurer shall keep a record of the proceedings of said board; shall receive and account for all the moneys derived from the operation of this chapter, and shall deposit, or cause to be deposited, all such moneys in the state treasury to the credit of the state licensing board for general contractors, and said funds shall be subject to withdrawal only upon warrant of the state comptroller to be issued upon certificate or voucher certified by the secretary-treasurer of the board and approved by the governor. Any funds remaining in the state treasury to the credit of the state licensing board for general contractors at the end of each year shall be paid into the general fund of the state on or before the fifteenth day of January in each succeeding year. The board has the right, however at all times to retain a sum not in excess of \$15,000.00 to meet any emergency that may arise which may affect its efficient operation.

Section 72. Register of Applicants: Roster of Contractors: Annual Report.—The Secretary-Treasurer shall keep a record of the proceedings of the Board and a register of the applicants for license, showing for each the date of application, name, qualifications, place of business, and whether the license was granted or refused. The books and register of this board shall be prima facie evidence of all matters recorded therein and a certified copy of such books or register, under the seal of the Board, attested by its Secretary, shall be received in evidence in all courts in this State in lieu of the original. A roster showing the names and place of business of all licensed general contractors shall be prepared by the Secretary of the Board as soon as convenient after the Board first meets each year. Such roster, which shall include a copy of the licensing law, shall be printed by the Board out of funds of said Board, as provided in Section 71, and a copy mailed to and placed on file by the Clerk of each incorporated city and town in the State and to and by the Probate Judge of each County in the State. On or before the 1st day of March of each year the Board shall submit to the Governor a report of its transactions for the preceding year and shall file with the Secretary of State a copy of such report, together with

a complete statement of receipts and expenditures of the Board, attested by the affidavit of the Chairman and Secretary and a copy of said roster of licensed general contractors. It shall be the duty of the Secretary-Treasurer to investigate and report to the Board each complaint filed relative to violation of this Act.

Section 73. Application for license; Examination; Certificate of authority.—Any person desiring to be licensed or desiring a renewal of an existing license as a general contractor in this state shall make, and file with the board not less than thirty days prior to any regular or special meeting thereof, a written application on such form as may then be by the board prescribed for examination by the board, which application shall be accompanied by fifty dollars for a new application or thirty-five dollars in case of a renewal. The applicant shall apply for a license covering the type or types of contracts on which he wishes to perform and the board shall classify contractors according to the type or types of contracts on which they may perform, within maximum bid limits, on the following basis; the applicant's request, his last annual financial statement prepared by a certified public accountant (C. P. A.), or by a qualified Licensed Public Accountant approved by the Alabama Society of Certified Public Accountants, his previous experience, equipment, and the facts in each case. An applicant shall not be so classified as to permit him to bid on or perform a type of work not included in his request for a license. If the application is satisfactory to the board, then the applicant may be required to take an examination to determine his qualifications. If the result of the examination of the applicant is satisfactory to the board, the board shall then issue to the applicant a certificate to engage in general contracting in the State of Alabama, stipulating in each license issued the type or types of work the contractor is permitted to bid on or to perform under his license, and also setting out a letter symbol indicating the maximum limits on which he is permitted to bid or to perform in a single contract. The maximum bid limits shall be set by the formula of not more than ten times the net worth as shown by the applicant's latest financial statement and designated in the classification set out herein that is the closest to this amount. Should the applicant's financial statement fail to substantiate the limits requested, further consideration may be given to (1) the present market value in lieu of book value of listed assets when properly supported with substantiating evidence. (2) a combined statement of the applicant that includes other wholly owned or substantially owned interests. When an applicant's statement qualifies for an amount in excess of classification "D" the limits shall then be set as classification "U"—Unlimited. The following letter symbols indicate the maximum amount bid limits allowed a licensee on any one single contract undertaking:

A—Not to exceed.....	\$100,000.00
B—Not to exceed.....	\$500,000.00
C—Not to exceed.....	\$1,000,000.00
D—Not to exceed.....	\$3,000,000.00
U—Unlimited	

Any person failing to pass such examination may be re-examined at any regular or call meeting of the board. The certificate of authority to engage in the business of general contracting in the State of Alabama shall expire on the last day of December following its issuance or renewal, and shall become invalid on that date unless renewed. Upon the renewal of a license the board shall reclassify or confirm the license both as to the types of work and bid limits as specified in this section. A licensee may apply for and, on proof satisfactory to the board, may receive an increase in the amount of his bid limit, or a change in his classification. Application for renewal of license, together with the payment of a fee of \$35.00, received by the board at least thirty days prior to expiration shall serve to extend the current license until the board either renews the license or denies the application. Each newly licensed contractor performing work for the first time shall not be allowed to perform work beyond one contract under this license until evidence has been furnished satisfactory to the Board that at least 80% of the first job has been satisfactorily performed. At the discretion of the Board a limited license may be issued for a particular project.

Section 74. Method of examination.—When the Board conducts an examination of an applicant for a license as much as three days may be devoted to written or oral examination, within the discretion of the board, to ascertain the ability of the applicant to make a practical application of his knowledge of the profession of general contracting; and the board shall investigate thoroughly the financial responsibility and past record of all applicants which will include an effort towards ascertaining the qualifications of applicant in reading plans and specifications, estimating costs, construction ethics and other similar matters. The board shall take all applicants under consideration after having examined him or them and go thoroughly into the records, oral and written examinations, prior to granting any certificate of license. If an applicant is an individual, examination may be taken by his personal appearance for examination, or by the appearance for examination of one or more of his responsible managing employees, and if a co-partnership or corporation, or any other combination or organization, by the examination of one or more of the responsible managing officers

or members of the executive staff of the applicant's firm according to its own designation.

Section 75. Revocation of license for certain offenses; charge; hearing; lost license.—The board shall have the power to revoke the certificate of license of any general contractor licensed hereunder who is found guilty of any fraud or deceit in obtaining a license or gross negligence, incompetence or misconduct in the conduct of his business. Any person may prefer charges of such fraud, deceit, negligence or misconduct against any general contractor licensed hereunder. Such charges shall be in writing and sworn to by the complainant and submitted to the board. Such charges, unless dismissed without hearing by the board as unfounded or trivial, shall be heard and determined by the board within thirty days after the date in which they were preferred. A time and place for such hearing shall be fixed by the board and held in the county in which said charges originated. A copy of the charges together with the notice of the time and place of hearing, shall be legally served on the accused by the secretary of the board, or any sheriff in the state, or by registered mail, at least ten days before the fixed date for the hearing, and in the event that such service cannot be effected ten days before such hearing, then the date of hearing and determination shall be postponed as may be necessary to permit the carrying out of this condition. At said hearing the accused shall have the right to appear personally and by counsel and to cross-examine witnesses against him, her or them, and to produce evidence of witnesses in his, her or their defense. If after said hearing the board votes in favor of finding the accused guilty, the board shall revoke the license of the accused. The board may reissue a license to any person, firm or corporation whose license has been revoked. The board shall immediately notify the secretary of state and the clerk of each incorporated city, town or county in the state of its finding in the case of the revocation of a license or of the reissuance of a revoked license. A certificate of license to replace any certificate lost, destroyed or mutilated may be issued subject to the rules and regulations of the board.

Section 76. Effect of issuance of certificate of license.—The issuance of a certificate by the board shall be evidence that the person, firm or corporation named therein is entitled to all the rights, and privileges of a licensed general contractor, to perform work of the types and amounts specified in the license issued to him or it, while the said license remains unrevoked or unexpired.

Section 77. Offenses.—Any person, firm or corporation not being duly authorized, who shall engage in the business of general contracting in this state, except as provided for in this

chapter, and any person, firm or corporation presenting or attempting to file as their own the license certificate of another, or who shall give false or forged evidence of any kind to the board, or to any member thereof, in obtaining a certificate of license, or who falsely shall impersonate another, or who shall use an expired or revoked certificate of license, and any person including an owner, architect or engineer who receives or considers a bid from anyone not properly licensed under this chapter, shall be deemed guilty of a misdemeanor and shall for each such offense of which he is convicted, be punished by a fine of not less than five hundred dollars or imprisonment of six months, or both fine and imprisonment, in the discretion of the court. The submission of the contractor's current license number before considering the bid shall be sufficient evidence to relieve the owner, architect, engineer, or awarding authority of any liability under this Act. It is provided, however, that with respect to the letting and awarding of Highway Contracts under twenty thousand dollars, the highway Director may issue proposal forms to consider bids from and award contracts to all bidders, licensed or unlicensed, who fulfill the requirements set forth in chapters 1 and 2 of Title 50 of the 1940 Code.

Section 78. Exemptions.—The following shall be exempted from the provisions of this chapter: The practice of general contracting as defined in Section 65 of this title by an authorized representative or representatives of the United States Government, State of Alabama, incorporated town, city or county in this state; provided, however, that such operation shall be under the supervision of a licensed architect or engineer; and the construction of any residence or private dwelling; and a subcontractor performing work under a properly licensed general contractor; and a person, firm or corporation constructing a building or other improvements on his or its own property.

Section 79. Copy of law to be included in plans of Architects and Engineers.—All architects and engineers preparing plans and specifications for work to be contracted in the State of Alabama shall include in their invitations to bidders and their specifications a copy of this Chapter or such portions thereof as are deemed necessary to convey to the invited bidder whether he be a resident or non-resident of this State and whether a license has been issued to him or not the information that it will be necessary for him to show evidence of license before his bid is considered.

Section 80. Regulations as to issue of building permits.—Any person, firm or corporation, upon making application to the building inspector or such other authority of any incorporated city, town or village in Alabama charged with the duty of issuing building or other permits for the construction of any

building, highway, sewer, grading or any improvement or structure where the cost thereof is to be twenty thousand (\$20,000.) dollars, or more, shall, before he be entitled to the issuance of such permits, furnish satisfactory proof to such inspector or authority that he is duly licensed under the terms of this article; and it shall be unlawful for such building inspector or other authority to issue or allow the issuance of such building permit unless and until the applicant has furnished evidence that he is either exempt from the provisions of this Article or is duly licensed under this Article to carry out or superintend the work for which permit has been applied; and such building inspector, or other such authority, violating the terms of this section shall be guilty of a misdemeanor and subject to a fine of not more than Fifty (\$50.00) dollars.

Section 81. Indictment or complaint.—In all prosecutions for the violation of the provisions of section 77 of this title, for engaging in the business of general contracting without a certificate of authority, it shall be sufficient to allege in the indictment, affidavit or complaint that "A. B. unlawfully engaged in business as a general contractor, without authority from the licensing board for contractors so to do."

Section 82. Appeal.—Any party aggrieved by any decision of the State Licensing Board, either in denying an application for license as a general contractor or in revoking a license, may appeal to the circuit court of Montgomery county, in equity, by filing a bond with the clerk of said court, conditioned to pay all costs of the appeal. Upon notice of said appeal being served upon the licensing board, an issue shall be made up by the court between the appellant and the licensing board, in which appellant shall allege in what respect the action of the licensing board was erroneous and prejudicial to him; whereupon the court shall hear the evidence and without regard to the decision of the licensing board, shall render such decision as the court is of the opinion the licensing board should have rendered in the first instance.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of the Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law for all new licenses and on the first day of January 1960, for all renewals.

Approved November 19, 1959.
Time: 3:22 P. M.

Act No. 572

H. 1011—Brannan

AN ACT

To amend Section 2 as amended of an act in reference to and to further provide for the Fine and Forfeiture Fund of the County of Baldwin, Alabama, by the transfer thereto of any surplus now in or hereafter accumulating in the County Solicitors Fund created by an act of this Legislature and provide the manner of transferring such surplus thereto, and to provide for the distribution of the surplus of such Fine and Forfeiture Fund, after the payment of all other claims and demands now or hereafter chargeable by law against such funds, first to the payment therefrom of the salary of a deputy sheriff for such county, in addition to and other than the deputy sheriff whose salary is paid out of the general fund of such county, and then by transferring any surplus remaining in such fund at the expiration of each sheriff's term of office, after the payment of all claims and demands now or hereafter by law chargeable against such fund including the salary of the deputy by this Act payable out of such fund to the general fund of the county, and to fix the amount of such deputy sheriff's salary payable from such fund and the time and manner of the payment thereof, and to provide that any deficiency in the payment of such salary in any calendar year or years may be paid from any surplus in such fund accruing in any succeeding year or years only during the term of office of the sheriff appointing such deputy, approved May 28, 1931, reported, Local Acts Alabama 1931, pages 83-84.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2 of an act, entitled an act in reference to and to further provide for the Fine and Forfeiture Fund of the County of Baldwin, Alabama, by the transfer thereto of any surplus now in or hereafter accumulating in the County Solicitors Fund created by an act of this Legislature and provide the manner of transferring such surplus thereto, and to provide for the distribution of the surplus of such Fine and Forfeiture Fund, after the payment of all other claims and demands now or hereafter chargeable by law against such funds, first to the payment therefrom of the salary of a deputy sheriff for such county, in addition to and other than the deputy sheriff whose salary is paid out of the general fund of such county, and then by transferring any surplus remaining in such fund at the expiration of each sheriff's term of office, after the payment of all claims and demands now or hereafter by law chargeable against such fund including the salary of the deputy by this act payable out of such fund, to the general fund of the county, and to fix the amount of such deputy sheriff's salary payable from such fund and the time and manner of the payment thereof and to provide that any deficiency in the payment of such salary in any calendar year or years may be paid from any surplus in such fund accruing in any succeeding year or years only during the term of the office of the Sheriff appointing such deputy, approved May 28, 1931 reported, Local Acts Alabama, 1931, pages 83-84, be amended to read as follows:

"Section 2. That any surplus now in or that hereafter accumulates in the Fine and Forfeiture Fund of Baldwin County, after

the payments of all other claims and demands now or hereafter chargeable against such fund, not less than \$7,200.00 and not more than \$14,400.00 a year, is hereby appropriated to the payment of the salaries of deputy sheriff's, not to exceed three in addition to and other than the deputy sheriff whose salary is paid out of the general fund of Baldwin County, such additional deputy sheriff's salaries to be paid in monthly installments of not less than \$200.00 and not more than \$400.00 to each deputy. The amount to be fixed by the county commissioners of Baldwin County; provided that if during any calendar year the surplus of such Fine and Forfeiture Fund shall not be sufficient to pay the salaries of such deputy sheriffs, any surplus thereafter accumulating in said fund in the succeeding year or years shall be applied to any deficiency in such salaries for the previous calendar year or years, but only for the term to which the sheriff appointing such deputies is elected or appointed, that no deficiency in such Fine and Forfeiture Fund accruing under any sheriff's administration shall be chargeable against any surplus of such fund accumulating subsequent to the term of such sheriff in whose administration such deficiency occurs. The deputy's salaries herein provided for shall be paid by warrant drawn on such fund in the same manner as other claims are paid out of the said fund."

Section 2. That all laws or parts of laws, general, local or special in conflict herewith are repealed.

Section 3. This act shall go into effect immediately upon passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 3:23 P. M.

Act No. 573

H. 1065—Ashworth

AN ACT

To alter, rearrange, and extend the boundaries and corporate limits of the Town of Brent, Bibb County, Alabama, so as to annex certain territory to the Town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the Town of Brent, Bibb County, are hereby altered, rearranged, and extended so as to include within the corporate limits of the town the following described territory, to-wit:

Beginning at a pipe monumenting the Southeast corner of the Northeast quarter of Section 34, Township 23 North, Range 9 East, St. Stephens Meridian, Bibb County, State of Alabama,

and run thence Westerly with the half section line through said section 34 a distance of 3958 feet, more or less, to the Northeast corner of the Northwest quarter of the Southwest quarter of said section 34; thence run in Southwesterly direction, in a straight line, a distance of 4760 feet, more or less, to the Northeast corner of the Northwest quarter of section 4, Township 22 North, Range 9 East, St. Stephens Meridian; thence run in a Southwesterly direction in a straight line, a distance of 2905 feet, more or less, to the Southeast corner of the North half of the Northeast quarter of the Southeast quarter of Section 5, Township 22 North, Range 9 East; thence run in a Southerly direction with the East boundary of said section 5, a distance of 1980 feet, more or less, to a steel axle monumenting the Southeast corner of said section 5; thence run in a westerly direction with the South boundary of said section 5 a distance of 3100 feet, more or less, to the center line tangent of State Highway No. 5 as now located; thence run in a Northwesterly direction, in a straight line, a distance of 2100 feet, more or less, to the Northwest corner of the South half of the Northeast quarter of the Southwest quarter of said section 5; thence run in a Northeasterly direction, in a straight line, a distance of 4665 feet, more or less, to a point on the South Boundary of section 32, Township 23 North, Range 9 East and 660 feet West of the Southeast corner of said section 32; thence run in a Northeasterly direction, in a straight line, 6230 feet, more or less, to the Southwest corner of the Southeast quarter of section 28, Township 23 North, Range 9 East; thence run in a Northerly direction with the half section line through said section 28 a distance of 2640 feet, more or less, to the center thereof; thence run easterly with the half section line through said section 28 a distance of 1320 feet, more or less, to the Southwest corner of the East half of the Northeast quarter of said section 28; thence in a Northerly direction with the West boundary of the said East half of the Northeast quarter of said section 28, a distance of 2640 feet, more or less, to the Northwest corner thereof; thence run in an Easterly direction with the North boundary of said section 28 a distance of 1320 feet, more or less, to a pipe monumenting the Northeast corner of said section 28; thence run in a Southerly direction with the East boundary of said section 28, a distance of 1320 feet, more or less to the Northwest corner of the South half of the Northwest quarter of section 27 of said Township 23 North, Range 9 East; thence in an Easterly direction with the North boundary of the said South half of the Northwest quarter of said section 27 a distance of 2640 feet, more or less, to the Northeast corner thereof; thence in a Southerly direction with the East boundary of the said South half of the Northwest quarter of the said section 27 to the Southeast corner thereof; thence run Easterly with the half section line through said section 27, a distance of 2640 feet, more or less, to the Southeast corner of the Northeast quarter of said section

27; thence run in a northerly direction with the West boundary of section 26, Township 23 North, Range 9 East, a distance of 458 feet, more or less, to a concrete post monumenting a Southwest corner of lands now owned by Virgis M. Ashworth; thence South 72 degrees and 17 minutes East with the line of the lands of the said Virgis M. Ashworth, a distance of 648.3 feet, more or less, to a concrete post; thence South 19 degrees and 50 minutes East with the line of the land of the said Virgis M. Ashworth, a distance of 290 feet, more or less, to a point in U. S. Highway No. 82 and State Highway No. 5 and on the East-West half section line through said section 26; thence Easterly with the said half section line through said section 26, a distance of 579.7 feet to a point in the said U. S. Highway No. 82 and State Highway No. 5 and 18.4 feet North of the center line thereof and said point being 3932 feet West from the Southeast corner of the Northeast quarter of said section 26; thence South 00 degrees and 32 minutes West a distance of 1197 feet to a point marked by a steel rod; thence Northwesterly, in a straight line, a distance of 1259 feet, more or less, to a concrete post marking a corner of lands now owned by Jessie Dean Young and Mary Young; thence South approximately one degree West a distance of 1788 feet, more or less, to a pipe marking the Southeast corner of section 27, Township 23 North, Range 9 East and which said pipe is 24.5 feet South of the center line of the Gulf, Mobile and Ohio Rail Road center line tangent; thence run southerly with the East boundary of section 34, Township 23 North, Range 9 East a distance of 2641.6 feet, more or less, to the point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 3:24 P. M.

Act No. 574

H. 1077—Long (Perry), Barnett

AN ACT

To provide for the establishment and operation of a public clinic in the municipality of Uniontown, Perry County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Perry County Hospital Board, a public hospital corporation incorporated under the provisions of Act No. 46, Regular Session 1949, an agency of Perry County, with the approval and consent of the court of county commissioners, board of revenue, or other like governing body of the county, may use the proceeds of the special county hospital tax levied by the

county for hospital purposes, or so much thereof as may be necessary, for the purpose of constructing or acquiring by purchase, lease or otherwise, a public health clinic or like public health facilities, to be located and established in the municipality of Uniontown. The corporation may also enter into such contracts or agreements with the council, commission, or other like governing body of the municipality of Uniontown as it may consider necessary to provide for the proper operation, repair, and maintenance of such clinic or facilities by the municipality itself or by its duly authorized agents, representatives, or contractees.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 3:25 P. M.

Act No. 575

H. 1112—Brannan

AN ACT

Relating to Baldwin County: Authorizing the County Commissioners of Baldwin County, Alabama, to pay the salaries of additional deputy sheriffs, designate the fund out of which said salaries shall be paid. To prescribe their method of appointment and fix their duties.

Be It Enacted by the Legislature of Alabama:

Section 1. That the County Commissioners of Baldwin County, Alabama, or any like governing body of said County is hereby authorized and empowered to pay the salaries of additional deputy sheriffs. Such deputies shall be in addition to those now required by law to be paid.

Section 2. The deputies shall receive a salary of not more than \$4200.00 per annum, to be paid in equal monthly installments and may be paid in whole or in part from the General Fund, The Fine and Forfeiture Fund or the County Public Highway and Traffic Fund as the governing body shall direct. The salaries shall be set by the County Commissioners at their discretion, not to exceed the maximum designated herein.

Section 3. The Sheriff shall appoint the additional deputies as provided for in this act and they shall serve at his pleasure.

Section 4. It shall be the duty of said deputies to enforce state traffic and motor vehicle laws, and while not so engaged to perform such other duties of the Sheriff as the Sheriff shall direct, but his essential duties shall be to enforce said state traffic and vehicle laws as aforesated.

Section 5. If any sentence, clause, provision or section of this act be declared invalid, the invalidity thereof shall not affect the validity of any other portion or provision of this act, it being the intention to enact into law so much hereof as may validly become law, irrespective of the invalidity of portions thereof.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 3:26 P. M.

Act No. 576

H. 256—Rast, Hawkins, Morrow,
Edwards, Sessions

AN ACT

Relating to the registration of vessels and their operation on the waters of this State and providing for water safety; providing for definitions; registration and identification of vessels used on the waters of this State by the Conservation Department of this State; the enforcement of this act; duties of the director of the State Department of Conservation; fee schedule for vessel registration; term of certificates and registration; establishment of a numbering and identifying system in compliance with Federal Boating Act of 1958 and any subsequent amendment thereto; prohibiting vessel operation when unnumbered; establishing exemptions from numbering provisions; requiring safety equipment; requiring records to be kept by boat liveryes; requiring accident reports to be filed with Conservation Department; certain operations of vessels prohibited; prohibition by local regulation of water safety; granting rule making authority to Director of Conservation with limitations as set out in this act; the establishment of license fees on vessels and providing penalties for violation of the provisions of this act; providing for an appropriation of \$32,500.00 to the Department of Conservation for the administration of the provisions of this Act and for the transfer of certain monies to the Administrative Division of the Department of Conservation; to provide for the appointment of special agents to sell boat licenses; to repeal all laws in conflict with the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Declaration of policy.—It is the policy of this State to promote safety for persons and property in and connected with the use, operation and equipment of vessels used on the waters of this state and to promote uniformity of laws relating thereto.

Section 2. Application.—The provisions of this Act shall be applicable to all vessels as herein defined, navigating the waters within the jurisdiction of this state, except where inconsistent with any laws or regulations of the United States, in which case such laws or regulations shall prevail.

Section 3. Definitions.—As used in this Act, unless the context clearly requires a different meaning;

(1) "Vessel" means every description of watercraft, other than a sea plane capable of being used as a means of transportation on water, but shall not include vessels under foreign registry temporarily using the public waters of this state nor shall it include public vessels of the United States, State, County, or Municipal vessels, ships' lifeboats or vessels temporarily operating upon the public waters of this State which have been validly licensed by another state or the Federal Government.

(2) "Waters of this State" means any waters within the territorial limits of this State and the marginal sea adjacent to this State and the high seas when navigated as a part of a journey or ride to and from the shore of this State. Provided, however, "waters of this State" shall not be interpreted to mean any private pond which is not used for boat rentals or the charging of fees for fishing therein.

(3) "Owner" means a person, other than a lien holder, having the property in or title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

(4) "Person" means an individual, partnership, firm, corporation, association, or other entity.

(5) "Operate" means to navigate or otherwise use a vessel.

(6) "Director" as used in this Act means the Director of the State Conservation Department.

(7) "State Department of Conservation" or "Department of Conservation" means that department created by the laws of this State having supervision over game, fish, forestry, parks, seafoods, and such lands of the State and such supervision over public waters of this State as now are constituted by law or any subsequent amendment thereto.

(8) "Certificate" means registration by a vessel owner with the Department of Conservation and includes the issuance of an identifying number awarded each vessel and the issuance of a pocket-size certificate of registration.

(9) "Length" means measured from end to end over the deck excluding sheer.

Section 4. Duty of Director.—It is hereby expressly made the duty of the Director to set up a division within the Department of Conservation to be known as 'Division of Water Safety' with sufficient personnel to perform the necessary clerical and routine work for the Department in issuing, handling and recording vessel registration identifying numbers, including the receiving and accounting of all registration fees and payments of same into the state treasury, receiving and recording accident reports, and making such reports of such accidents to such federal agency as may be required by federal law and such other incidental clerical work connected with the administration of this Act.

Section 5. Enforcement. This Act shall be enforced by the Department of Conservation, Division of Water Safety, and by all law enforcement officers of the State, and by such other agents and employees of the Department of Conservation as may be designated and required by the Director.

Section 6. Sale of certificate; fees; appropriation; use of funds.—The Department of Conservation will issue annual certificates of registration directly or may authorize any probate judge in the State or any other official in the State who are presently authorized to issue automobile license plates, to issue certificates of registration and numbers in connection therewith. In conformity with this Act and any rules and regulations which may be validly issued by the Department of Conservation, the Department of Conservation may assign to each issuing officer in said county a block of numbers and certificates therefor which upon issue the issuing officer shall be allowed a fee of twenty-five cents (25c) for each certificate issued by him which fee in counties where the probate judge is on the fee system shall be retained by the probate judge and in counties where the issuing officer or probate judge is on a salary basis the fee shall be paid into the county treasury.

(1) All registration monies, except the twenty-five cent (25c) fee allowed as aforesaid, shall be remitted monthly to the Department of Conservation not later than ten (10) days after the first of each month. The Department of Conservation shall transmit all monies received by it to the state treasurer, there to be deposited in a fund to be known as the "State Water Safety Fund."

(2) All monies received out of the sale of licenses under the provisions of this Act are hereby appropriated and released to the Department of Conservation and may be used by the Director of the Department of Conservation for all purposes reasonably

necessary in the cost of administration of this Act including the printing of certificates of registration, postage and transportation charges, clerical, personnel, equipment purchases, salaries, and other expenses for each year except no funds collected under the provisions of this Act may be used to supplement or pay the salaries of any enforcement officers other than those hired specifically for the purposes of administering the provisions of this Act.

(3). There is hereby appropriated from any funds in the State Treasury, not otherwise appropriated, the sum of Thirty-two Thousand Five Hundred Dollars (\$32,500.00) to the Department of Conservation, Division of Water Safety, for use in administering the provisions of this Act. The Division of Water Safety upon the order of the Director of Conservation shall transfer to the Administrative Division of the Department of Conservation its pro rata share of the administration costs of the Department of Conservation in the same manner as the other divisions of the Department of Conservation so transfer. Provided, however, the Director of Conservation shall not transfer to the Administrative Division monies from Water Safety Division in excess of twenty-five percent (25%) of the Water Safety Division's yearly income from all sources. The Administrative Division of the Department of Conservation shall expend such monies as may be transferred, in addition to all other monies heretofore appropriated to said Division, in such manner as the Director of Conservation may deem necessary and appropriate. It is the intent of the Legislature that the Department of Conservation utilize existing personnel and equipment of that Department and of the Sheriffs of this State to the maximum possible extent in enforcing and administering this Act, to the end that there be no costly duplication of services.

(4) Any unexpended sums in excess of costs of administration that are available out of the monies derived under the provisions of this Act may be expended and used by the Department of Conservation for the purposes of water safety education and improvement of non-commercial boating facilities in this State.

Section 7. Operation of Unnumbered Vessels Prohibited.—Every vessel on the waters of this State shall be registered and numbered. No person shall operate or give permission for the operation of any vessel on such waters unless the vessel is registered and numbered with the identifying number set forth in the certificate of registration displayed on each side of the bow of such vessel, or in accordance with applicable federal law or in accordance with a federally approved numbering system of another state, and unless the certificate of number awarded to such vessel is in full force and effect.

Section 8. Identification Number.—The owner of each vessel requiring numbering by this State shall file an application for number with the Department of Conservation of probate judges' offices, or license commissioner on forms approved by the Department of Conservation. The application shall be filed by the owner of the vessel and shall be accompanied by a fee in accordance with Section 16 of this Act. Upon receipt of the application and its approval by the authorized issuing officer he shall enter the same upon the records of his office and issue to the applicant a certificate of registration stating the number awarded to the vessel, the name and address of the owner; and a description of the vessel. The owner shall paint on or attach to each side of the bow of the vessel the annual identification number issued to him in such manner as may be prescribed by rules and regulations of the Department of Conservation, in order that it may be clearly visible and be of such size as required by the Federal Boating Act of 1958 or any subsequent amendment thereto. The number shall be maintained in legible condition. The certificate of registration shall be pocket size and shall be available at all times for inspection on the vessel for which issued whenever such vessel is in operation.

Section 9. Numbering of manufacturers' and dealers' vessels.—

(1) The description of the vessel shall be omitted from the certificate since the number awarded may be used on different vessels at different times. In lieu of the description, the word "manufacturer" or "dealer", as appropriate, shall be plainly marked on each certificate.

(2) The manufacturer or dealer may have the number awarded printed upon or attached to a removable sign or signs to be temporarily but firmly mounted upon or attached to the vessel being demonstrated or tested so long as the display meets the requirements of this Act.

Section 10. Foreign Vessels and Change of Ownership.—Any vessel already covered by a number in full force and effect which has been awarded to it pursuant to the operative federal law or federally approved numbering system of another state may be operated on the waters of this State for a period of ninety (90) consecutive days without being licensed under the provisions of this Act. Any vessel operating for more than ninety (90) consecutive days must then be registered and licensed in the same manner as other vessels are required to be licensed under this Act.

(a) Should the ownership of a vessel change, a new application form with fee of One Dollar (\$1.00) for change of registration shall be filed with the Department of Conservation and a

new certificate issued, transferring the original vessel number to the new owner.

(b) No citizen or resident of this State may operate his vessel on the waters of this State when such vessel is under foreign registry; provided, however, any such citizen or resident who has previously registered his vessel in another state or by federal registry before coming into this State may operate same for a period of ninety (90) consecutive days without being required to register under the provisions of this Act.

Section 11. Numbering System.—The numbering system employed pursuant to this Act shall be determined and promulgated by the Director of the Department of Conservation acting pursuant to the authority conferred on him by Section 28 of this Act. Provided, however, that in the event an agency of the United States Government shall have in force an overall system of identification numbering for vessels within the United States, any numbering system employed or promulgated pursuant to this Act shall conform thereto.

Section 12. Public Records.—All records of the Department of Conservation, probate judge, or license commissioner made or kept pursuant to this section shall be public records, except confidential reports and except accident reports as set out in this Act.

Section 13. Term of Certificates.—Every certificate and license as provided for in this Act is to be issued on a yearly basis and said certificate and license shall be valid for one (1) issuing year only. And all vessels coming within the provisions of this Act shall be licensed not later than four (4) months after the passage of this Act and thereafter not later than November 15 of each year.

Section 14. Change of interest and address.—The owner shall furnish the Department of Conservation notice of the transfer of all or any part of his interest other than the creation of a security interest in a vessel numbered in this State pursuant to this Act or of the destruction or abandonment of such vessel, within fifteen (15) days thereof. Such transfer, destruction, or abandonment shall terminate the certificate for such vessel, except, that in the case of a transfer of a part interest which does not affect the owner's right to operate such vessel, such transfer shall not terminate the certificate.

(1) Any holder of a certificate shall notify the Department of Conservation within fifteen (15) days, if his address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the Department of Conservation with his new address. The Department of Conserva-

tion may provide in its rules and regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

Section 15. Only authorized number to be used.—No number other than the number awarded to the vessel or granted reciprocity pursuant to this Act shall be painted, attached, or otherwise displayed on either side of the bow of such vessel.

Section 16. Classification and fees.—Vessels subject to the provisions of this Act shall be classified according to the following schedule and the annual fees charged by the Department of Conservation for registration shall be in the following amounts:

Class 1. Less than sixteen (16) feet in length, \$2.00

Class 2. Sixteen (16) feet or over and less than twenty-six (26) feet in length, \$3.00

Class 3. Twenty-six (26) feet or over and less than forty (40) feet in length, \$6.00

Class 4. Forty (40) feet or over, \$12.00

Class 5. Dealer or manufacturers' temporary license, \$10.00

Section 17. Equipment.—Every vessel while being operated on the waters of this State shall be equipped with reasonable safety devices and lights as may be required under regulations promulgated by the Director of Conservation.

(1) No person shall operate or give permission for the operation of a vessel which is not equipped as is required by rules and regulations duly promulgated by the Director of the Department of Conservation.

(2) All such safety equipment and safety lights required by this section shall meet such standards as the Director of Conservation may from time to time establish as minimum equipment and all such safety equipment and safety lights above the minimum requirements which are required by the rules and regulations of the Department of Conservation shall conform with specific standards as may be adopted by the Department of Conservation.

(3) Airboats shall display a flag ten (10) by fourteen (14) inches on a twelve (12) foot mast.

(4) A diver's flag must be displayed on the surface of any water where skin divers are operating as may be stipulated by the Department of Conservation.

Section 18. Exemption from numbering provisions of this Act.—A vessel shall not be required to be numbered under this Act if it is:

- (1) vessel operating under valid temporary certificate or number,
- (2) already covered by a number in full force and effect which has been awarded to it pursuant to federal law or a federally approved numbering system of another state; provided, however, that such vessel shall not have been within this State for a period in excess of ninety (90) consecutive days,
- (3) a vessel under registry from a country other than the United States temporarily using the waters of this State.
- (4) a vessel owned by the United States, a State, County, or Municipality,
- (5) a ship's lifeboat.
- (6) A vessel not propelled by machinery, except sail boats and boats for hire.

Section 19. Boat Liveries.—The owner or operator of a boat livery shall cause to be kept a record of the name and address of all persons using any vessel owned or operated by the boat livery. Said record shall also state the identification of the number of the vessel used, the departure date and time of the person or persons using same, the expected time of return, and the actual time of return. This record shall be kept by the owner or operator of the boat livery for a period of at least six (6) months and such record may be inspected at any time upon request of an authorized agent of the Department of Conservation. Neither the owner of a boat livery or his agent or employee shall permit any vessel owned or operated by him to depart from his premises unless it shall have been provided with the safety equipment required under the provisions of this Act and any rules and regulations made pursuant thereto.

Section 20. Muffling Devices and Sirens.—The exhaust of every internal combustion engine used on any vessel shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner. The use of cut-outs is prohibited, except for vessels competing in a regatta or official boat race, and for such vessels while on trial runs. No person shall use a siren of any type while operating or on a vessel on the waters of this State except as may be specifically allowed by the Director of Conservation for enforcement purposes.

Section 21. Prohibited Operations.—

(1) No person shall operate any vessel or manipulate any water skis, aquaplane, or similar device in a reckless or negligent manner so as to endanger or be likely to endanger the life, limb, or property of any person.

(2) No person shall operate any vessel or manipulate any water skis, aquaplane, or similar device while intoxicated or under the influence of any narcotic, drug, barbiturate or marijuana.

(3) Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00) and/or imprisonment not to exceed six (6) months for each violation thereof.

(4) Upon conviction for a second offense violation under this section the owner's certificate or registration may be suspended for a period of time up to one year; and upon conviction for a third offense violation under this section said certificate of registration shall be revoked and said owner shall not be granted a new registration for three years following the date of said third conviction.

Section 22. Collision, accidents, and casualties.—

(1) It shall be the duty of the operator of a vessel involved in a collision, accident, or other casualty, so far as he can do so without serious danger to his own vessel, crew, and passengers (if any), to render to other persons affected by the collision, accident, or other casualty, such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident, or other casualty, and also to give his name, address, and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty.

(2) In the case of collision, accident, or other casualty involving a vessel, the operator thereof, if the collision, accident, or other casualty results in death or injury to a person or damage to property in excess of fifty dollars (\$50.00) shall within ten (10) days file with the Department of Conservation a full description of the collision, accident, or other casualty, including such information as the Department of Conservation, by regulation, may require.

(3) All accident reports required by this section made by persons involved in accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department of Conservation or other governmental agencies having use of the record, except that the Department of Conserva-

tion may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the Department of Conservation shall furnish upon demand of any person who has, or claims to have, made such a report or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department of Conservation solely to prove a compliance or a failure to comply with the requirements that such a report be made to the Department of Conservation.

Section 23. Transmittal of information.—The Director of Conservation shall supply to any authorized official or agency of the United States upon such agency's or official's request and in accordance with any federal law or regulation relative thereto, necessary information pertaining to statistics and reports compiled under the provisions of this Act.

Section 24. Water skis and aquaplanes.—

(1) No person shall operate a vessel on any waters of this State for towing a person or persons on water skis, or an aquaplane or similar device unless there is in such vessel a person, in addition to the operator, in a position to observe the progress of the person or persons being towed or such vessel is equipped with a wide-angle rear view mirror mounted in such a manner as to permit the operator of the vessel to observe the progress of the person or persons being towed.

(2) No person shall operate a vessel on any waters of this State towing a person or persons on water skis, aquaplane, or similar device, nor shall any person engage in water skiing, aquaplaning, or similar activity at any time between the hours from one hour after sunset to one hour before sunrise.

(3) The provisions of subsections (1) and (2) of this section do not apply to a performer engaged in a professional exhibition or a person or persons participating in an official regatta, motorboat race, marine parade, tournament or exhibition.

(4) No person except in jump buoys and like objects used normally in competitive and recreational skiing shall operate or manipulate any vessel, tow rope or other device by which the direction or location of water skis, aquaplane, or similar device may be affected or controlled in such way as to cause the water skis, aquaplane, or similar device, or any person thereon to collide with or strike against any object or person.

Section 25. Regattas, races, marine parades, tournaments or exhibitions.—

(1) The Director shall adopt and may, from time to time, amend regulations concerning the safety of vessels and persons thereon, either observers or participants.

(2) Any person or organization sponsoring a regatta, motorboat or other boat race, marine parade, tournament or exhibition shall be responsible for providing adequate protection from marine traffic interference and hazards.

Section 26. Local Regulation Prohibited.—

(1) The provisions of this Act and rules and regulations promulgated thereto, and other general laws of this State shall govern the operation, equipment, numbering and all other matters relating thereto whenever any vessel shall be operated on the waters of this State, or when any activity regulated by this Act shall take place thereon; but nothing in this Act shall be construed to prevent the adoption of any ordinance or local law relating to operation of vessels the provisions of which are identical to the provisions of this Act, amendments thereto or regulations issued thereunder; provided, that such ordinances or local laws shall be operative only so long as and to the extent that they continue to be identical to provisions of this Act, amendments thereto or regulations issued thereunder.

(2) Any subdivision of this State may, at any time, but only after public notice, make formal application to the Director for special rules and regulations with reference to the operation of vessels on any waters within its territorial limits and shall set forth therein the reasons which make such special rules or regulations necessary or appropriate. The public notice shall be effected by the said subdivision causing a copy of the proposed public rules or regulations to be published one (1) time per week for four (4) consecutive weeks in a newspaper of general circulation within the area that the subdivision is located.

(3) The Director is hereby authorized to make special rules and regulations with reference to the operation of vessels on any waters within the territorial limits of any subdivision of this State.

Section 27. Filing and notification of rules and regulations.—A copy of the regulations adopted pursuant to this Act, and of any amendments thereto, shall be filed in the office of the Secretary of State, and in the office of the Department of Conservation. Rules and regulations may be published by the Director in a convenient form. The Director of Conservation shall cause to be publicized by the issuance of newspaper releases for new or amended or rescinded rules and regulations promulgated by him.

Section 28. Rules and regulations.—The Director of the De-

partment of Conservation shall make, adopt, promulgate, amend and repeal all rules and regulations necessary, or convenient for the carrying out of the duties and obligations and powers conferred on the said Director of the Department of Conservation by this Act. Further clarifying the rule making power of the Director, he shall have power and authority to make, adopt, promulgate, amend, and repeal all rules and regulations as shall promote safety for persons and property in and connected with the use, operation, and equipment of vessels and for the carrying out of duties, obligations and powers conferred upon the Director of the Department of Conservation by this Act, subject to such supervision of the Advisory Board of Conservation as set out in Section 9, Title 8 of the Code of Alabama 1940 or subsequent amendments thereto.

Section 29. Rules and Regulations used in Courts.—All rules and regulations duly promulgated under the provisions of this Act by the Director of Conservation shall be admitted as evidence in the courts of this State when accompanied by an affidavit from the Director of Conservation certifying that the rule or regulation has been lawfully adopted and promulgated and such affidavit shall be prima facie evidence of proper adoption and promulgation of the rule or regulation.

Section 30. Jurisdiction of offense; disposition of fines.—Justices of the peace or the inferior criminal courts of any county of the State of Alabama shall be and are hereby given final jurisdiction to try and convict persons, firms, or corporations violating any of the provisions of this Act or the rules and regulations promulgated thereunder, subject to any proper appeal or writ of error; and they shall remit to the Director on or before the 10th day of each month all fines and forfeitures collected by them for the violation of such laws, rules and regulations, together with a statement of the name of the person, firm or corporation convicted of such violation, the time of such conviction, the amount of the fine or penalty, the date of the remittance, and the specific charge for which the defendant was tried.

Section 31. Fees of arresting officer.—When an arrest for violation of the provisions of this Act or regulations promulgated thereunder is made by a salaried officer not employed by the Department of Conservation and the defendant is convicted, there shall be taxed as cost the same fee as a sheriff in this State is entitled to for similar services and if collected from the defendant shall be immediately remitted by the trial court direct to the treasurer of the county in which the offense occurred. When an arrest for violation of the provisions of this Act or regulations promulgated thereunder is made by a salaried officer of the Department of Conservation and the defendant is con-

victed, there shall be taxed as cost the same fee as a sheriff in this State is entitled to for similar services and if collected from the defendant shall be immediately remitted by the trial court direct to the Department of Conservation which fee shall be deposited to the credit of the Water Safety Fund. If the officer making the arrest be a non-salaried officer and if said fee is collected from the defendant, said non-salaried officer shall be entitled to said fee; provided, however, no person shall be entitled to receive an informer's fee and further provided no fee shall be allowed in cases of acquittal. In the event the arrest is made by a county officer, salaried or non-salaried, fifty per cent (50%) of the fine shall be remitted to the credit of the county treasury of the county in which the offense was committed, and the remaining 50% of the fine shall be remitted to the State Treasury for deposit to the "State Water Safety Fund". In the event the arrest is made by an officer other than a county officer, the fine shall be remitted to the State Treasurer for deposit to the "State Water Safety Fund".

Section 32. Special Agents.—The sheriffs of this State may be designated as special agents to sell boat licenses as provided for herein. The Director of Conservation is authorized to appoint other special agents to sell boat licenses as provided for herein; provided, however, the Director of Conservation may not appoint any special agent until said agent is bonded for not less than Five Thousand Dollars (\$5,000.00). Such agents shall receive licenses from the Department of Conservation in the same manner as the probate judges and license commissioners and shall make such reports and be subject to such audits as the Director of Conservation may specify. Special agents so appointed shall make returns to the Department of Conservation in the same manner as probate judges and license commissioners. The Director of Conservation is further authorized to cancel such special agents' authority to sell licenses at any time he may so desire. Special agents shall be entitled to an issuance fee of twenty-five cents (25c). Any special agent selling licenses in excess of the cost of licenses as herein specified shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than One Hundred Dollars (\$100.00).

Section 33. Penalties.—Any person convicted of violating any provision of this Act except as set out in Section 21 (3) of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) and costs for each such violation.

Section 34. Warning Citations.—The Director of Conservation is authorized to provide by duly promulgated regulation a system

for issuing warning citations under such conditions as he may deem proper.

Section 35. Authority to Enforce.—The Director and his employees are hereby clothed with the authority of deputy sheriffs for the enforcement of the provisions of this Act or rules and regulations promulgated thereunder.

Section 36. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Section 37. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Approved November 19, 1959.

Time: 3:27 P. M.

Act No. 577

H. 66—Rogers, Jones (Covington),
Adams (Houston), Powell,
Britton, Solomon

AN ACT

To authorize any county board of registrars which is not furnished clerical assistance to reserve certain meeting days for the performance of such necessary clerical work as may be required of the board in connection with the discharge of its duties.

Be It Enacted by the Legislature of Alabama:

Section 1. Any county board of registrars which is not furnished clerical assistance may, in its discretion, after public notice has been given, decline to receive applications for registration on any day it meets, which day it reserves for the purpose of performing necessary clerical work, provided that not more than twelve days may be reserved for clerical work in any calendar year.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 3:28 P. M.

Act No. 578

H. 981—Salter

AN ACT

To amend Section 87 of Title 22, Code of Alabama 1940, in relation

to the enactment of regulations governing the removal or transportation of the bodies of deceased persons by cities and towns.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 87 of Title 22, Code of Alabama 1940, is hereby amended to read as follows:

"Section 87. The state board of health shall prescribe the rules and regulations under which the bodies of deceased persons may be brought into, or transported through the state; and also the rules and regulations under which such bodies may be transported from one point to another point in the same county, or from one county to another in this state; but the said state board of health may, in its discretion, forbid the conveyance of the bodies of persons who have died of infectious, contagious, or communicable diseases into or through this state, or from one county to another in this state. This section shall not be so construed as to prevent county boards of health from regulating the transportation of the bodies of deceased persons within their respective county limits; but cities and towns are prohibited from enacting ordinances regulating the removal from the city or town of the bodies of deceased persons, or the issuance of removal permits for removing such remains from the city or town to a point outside the county."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.
Time: 3:29 P. M.

Act No. 579

H. 67—Jones (Covington), Adams
(Houston), Powell, Britton,
Solomon, Rogers

AN ACT

To amend further Section 26 of Title 17, Code of Alabama (1940), which relates to meetings of county boards of registrars.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 26 of Title 17, Code of Alabama (1940), as amended, is amended further to read as follows:

"Section 26. The board of registrars in each county shall visit each precinct at least once and oftener if necessary between October first and December thirty-first, 1939, and each two years

thereafter, to make a complete registration of all persons entitled to register, and shall remain there at least one half a day. They shall give at least twenty days notice of the time when, and the place in the precinct where they will attend to register applicants for registration, by bills posted at three or more public places in each election precinct, and by advertisement once a week for three successive weeks in a newspaper, if there be one published in the county. Upon failure to give such notice or to attend any appointment made by them in any precinct, they shall, after like notice, fill new appointments therein. The time consumed by the board in completing such registration shall not exceed thirty working days in any county, except that in counties having more than three hundred thousand population as shown by the last preceding census, the time shall not exceed seventy-five working days. The board of registrars in each county shall meet at the courthouse on the third Monday in January, 1940, and each two years thereafter and shall remain in session ten working days for the registration of voters. During even numbered years, the board of registrars in each county, in its discretion, may visit any of the precincts of the county on such days as the board shall determine for the registration of voters; but the time consumed in such registration of voters shall not exceed a total of twenty working days in any one calendar year. In the manner prescribed herein, the board shall give notice of the time when, and the place in the precinct where, they will attend to register applicants for registration."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 3:30 P. M.

Act No. 580

H. 1032—Roberts

AN ACT

To amend Act No. 476, H. 627, approved September 9, 1955, which creates the office of deputy circuit solicitor in the twenty-third judicial circuit and provides for the appointment, duties and compensation of such officer.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 3 of Act No. 476, H. 627, approved September 9, 1955 (Acts of Alabama 1955, p. 1084), an act creating the office of deputy circuit solicitor in the twenty-third judicial circuit, are amended to read as follows:

"Section 1. The office of deputy circuit solicitor of the twenty-third judicial circuit is hereby created. Two deputy circuit

solicitors shall be appointed by and shall serve at the pleasure of the circuit solicitor of the twenty-third judicial circuit.

"Section 3. Each deputy circuit solicitor of the twenty-third judicial circuit shall be paid by the State of Alabama an annual salary of forty-two hundred dollars (\$4200), payable as the salaries of other state officers are paid. One deputy circuit solicitor shall also be paid as additional compensation the sum of eighteen hundred dollars (\$1800) a year by Madison County from the general funds of said county, and the other deputy circuit solicitor shall also be paid as additional compensation the sum of one thousand dollars (\$1000) a year by Madison County from the general funds of said county. The compensation of deputy circuit solicitors payable by the county shall be paid in installments as the salaries of county officers are paid."

Section 2. This Act shall become effective on the first day of the month immediately following the month in which it becomes law.

Approved November 19, 1959.

Time: 3:31 P. M.

Act No. 581

H. 372—Oakley, Merrill, Lee (Barbour)

AN ACT

To amend further the act approved July 7, 1945 (Act No. 412, S. 261, Gen. Acts 1945, p. 647) providing for the adoption, selection, purchase, and distribution of textbooks to be used in the tax-supported public schools of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2, 4, 7, and 13 of the act approved July 7, 1945 (Act No. 412, S. 261, Gen. Acts 1945, p. 647) providing for the adoption, selection, purchase, and distribution of textbooks to be used in the tax-supported public schools of Alabama are amended to read as follows:

"Section 2. The State Textbook Committee shall be composed of fourteen members appointed by the State Board of Education upon the nomination of the State Superintendent of Education, who shall submit the names of two teachers from each of the several congressional districts in the state and the State Board of Education shall appoint one member from each such district to the Textbook Committee, who shall, at the time of appointment, be employed in the public schools of such district. In addition to the nine members thus appointed, the State Board of Education, upon nomination of the State Superintendent of Education shall appoint five members from the state at large to the Textbook Committee. The term of office of the members of

said Textbook Committee shall be for a period of one year beginning July 1, 1960, and the terms of office of their successors shall begin July 1 for the term of office to which appointed; except that appointees to fill vacancies shall begin their terms of office immediately after qualifying for such office and such vacancy shall be filled in the same manner as the appointment provided herein. All members of the State Textbook Committee at the time of their appointments and at all times while serving as members of said committee shall be engaged in some phase of instructional work in state, tax-supported public education in Alabama. Not less than twelve members of the committee shall be employed as classroom teachers at least six of whom shall be employed as classroom teachers in elementary grades and six members of the committee shall be employed as teachers in high school grades; and the other two members of the committee shall be selected without regard to classification in the school system. In order to qualify as a member of the committee, each member of the State Textbook Committee and its secretary shall make an affidavit to be filed with the State Board of Education within ten days after notice of his appointment that he will discharge faithfully all the duties imposed upon him as a member or as secretary of the said Textbook Committee; that he has no interest, directly or indirectly, in any contract that may be made under this act; that he has no interest as author, as associate author, as publisher, or as representative of author or publisher of any textbooks; that he has no pecuniary interest, directly or indirectly, in the business or profits of any persons, firms, or corporations engaged in manufacturing, publishing, or selling textbooks; that he will not accept any emolument or promise of future reward of any kind from any publisher of textbooks, his agent, or anyone interested in or intending to bias his judgment in any way in the selection of any textbook for adoption; also that he will not reveal to anyone, except to the State Board of Education, the findings, ratings, or gradings of the State Textbook Committee. The State Textbook Committee hereby created shall meet annually in Montgomery, Alabama, on the date to be determined by the State Superintendent of Education, provided such date shall not be later than October 15; and the recommendations of the textbook committee shall be made to the State Board of Education not later than December 15. At each annual meeting the State Textbook Committee shall organize by selecting one of its members to act as chairman of the said committee. The State Superintendent of Education shall be ex-officio secretary of the State Textbook Committee. Other necessary meetings may be held on dates to be determined by the State Textbook Committee subject to the approval of the State Superintendent of Education. The State Superintendent of Education shall notify the members of said committee of each meeting by registered mail at least one week prior to the time of such

meeting. The members of the State Textbook Committee shall be paid the sum of twenty dollars per day during the time they are engaged in such work, and in addition shall receive ten cents per mile for each mile travelled from their homes to the place of meeting and return, to be paid out of the Revolving Fund appropriated to the State Board of Education or from any other appropriation made for that purpose. Each member of the committee, before receiving per diem and transportation expenses, shall submit to the State Superintendent of Education a notarized statement of the number of miles travelled and the number of days engaged in such work; provided that, beginning July 1, 1959, no member shall be paid for more than twenty-five (25) days in any school year. When it becomes necessary to pay out any funds in accordance with the provisions of this act, the State Superintendent of Education shall make requisition upon the Comptroller, who shall draw his warrant, upon the Treasurer for the amount for which the requisition is made.

"Section 4. Each publisher who makes a bid or proposal to furnish school textbooks shall be required to deposit with the Treasurer of the State a sum of money such as the State Board of Education shall require, but not less than five hundred dollars, nor more than two thousand five hundred dollars, according to the number of books such bidder proposes to supply, which sum or deposit shall be forfeited absolutely to the State Board of Education for the use of the Free Textbooks Fund, if the bidder making the deposit shall fail or refuse to make and execute such contract and required bond. The time within which said contract and bond shall be executed shall be stated in the advertisement inviting bids or proposals. All bids shall be sealed and deposited with the State Superintendent of Education to be opened at a time designated by the Superintendent, provided bidders have been given reasonable notice in advance.

"Section 7. (a) The State Board of Education shall select and adopt a series of textbooks and shall have the authority to designate textbooks in the several subjects taught in the tax-supported public elementary and high schools of the State and to determine the length of time any textbook is to be used in any given subject. Authority is expressly granted to the State Board of Education to stagger adoptions in such manner as said board deems to the best interest of the pupils of the public schools subject to limitation of funds appropriated for the purpose of purchasing and supplying state-owned textbooks and/or for other instructional materials to the pupils in the public schools of the State. It shall be unlawful for any school official, superintendent, supervisor, principal, or teacher to use any textbook upon the same branches, other than those adopted, to the exclusion of the regularly adopted textbooks, except as herein provided.

"(b) The State Board of Education shall have full power to provide for textbooks for the public schools of the State, to adopt a multiple list of textbooks where practicable and desirable in the judgment of the Textbook Committee and State Superintendent of Education, and to contract with and/or extend textbook contracts with the publishers for such textbooks, provided that such textbooks have been determined as suitable and desirable by the State Textbook Committee. The State Board of Education shall have full power to adopt any textbook or textbooks for such period of time as it deems to be the best interest of the patrons and pupils of the public schools. The State Board of Education shall not advise the publishers of the rating or grading as to merit, suitability, and desirability given the textbooks by the State Textbook Committee. The State Board of Education is further authorized and empowered to purchase any copyright when by so doing a more advantageous contract can be secured in behalf of the patrons of the public schools of the State and to use such funds as may be necessary for this purpose from appropriations made for the purchase of state-owned textbooks and/or instructional materials.

"(c) The State Board of Education shall enter into contracts for furnishing of said textbooks upon such terms as said board deems to be the best interest of the patrons of the public schools. When the contract is executed the publisher shall execute a surety bond in such sum as may be designated by the State Board of Education, conditioned upon the faithful and honest performance of the contract. Said bond shall also provide for the payment of attorney's fee in case of recovery in any suit on same. The State Board of Education shall prescribe a minimum amount which shall be recovered on such bond for each breach thereof as liquidated damages and such amount shall be written in said contract as the minimum amount which may be recovered as liquidated damages in case of each breach thereof.

"(d) Should any person, firm, or corporation fail or refuse to execute the contract and submit therewith his bond as required by law within thirty days after the awarding of the contract, the cash deposit will be deemed forfeited to the State of Alabama, and the Treasurer shall place such deposit in the Treasury to the credit of the Free Textbooks Fund. The mailing of a registered letter to the publisher, his agent, or designated representative, announcing the awarding of the contract shall be prima facie evidence that the notice was given and received. When any person, firm, or corporation shall have executed the contract and submitted his bond within the time required by law, the State Board of Education shall advise the Treasurer of the State in writing of such fact, and the Treasurer shall return to the publisher the cash deposit made by him. The State Board of Educa-

tion shall also inform the Treasurer of the names of the unsuccessful bidders, and upon the receipt of such notice, the Treasurer shall return to them the amount deposited in cash by them at the time of the submission of their bids.

“(e) The State Superintendent of Education shall preserve in the office of the State Department of Education or in some convenient place in the City of Montgomery, Alabama, one copy of each book which has been made the basis of any contract as the standard specimen of quality and excellence to be maintained in such books during the period of such contract. The State Superintendent of Education shall retain and preserve in his office the original bid or proposal and the contract and bond executed for the furnishing of said books. Books furnished under each and every contract shall at all times during the existence of the contract be equal in all respects to the specimen or sample copies furnished with the bids or proposals. The publisher shall furnish each county superintendent of education with a specimen copy of each adopted textbook included in his contract, which shall be preserved by him and which shall always be open to inspection by the public. It shall be the duty of each such superintendent to inspect all new state-owned textbooks received and to report to the State Superintendent of Education any variance from the specimen copies.

“Section 13. The State Board of Education shall purchase and furnish state-owned and adopted textbooks for the tax-supported public schools insofar as available appropriations therefor permit. The State Board of Education is hereby authorized to pay the expenses of administration of this Act, except as otherwise provided herein, in the following manner:

In any county of the State where the pro rata share of the county's part of the sum or amount appropriated for the purpose of furnishing state-owned textbooks is not sufficient to provide free textbooks for all of the grades in the public schools from one to six, inclusive, then the authorities charged with the duty of purchasing such books shall purchase enough books with the available funds to supply the first grades with books, and if any funds remain after books for the first grades have been purchased then the same authority shall purchase enough books for the second grades of the public schools, and in like manner shall purchase books for the third, fourth, fifth, and sixth grades insofar as the funds allotted to the county will permit. All such purchases of required textbooks and other state-adopted textbooks and other instructional materials shall be done in the manner now provided by law for the purchase of all state-owned and state-adopted textbooks and other instructional materials. Any funds in the state treasury which have accrued or which shall accrue to the credit of the Textbook Purchasing Board shall be administered as now provided by law.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:15 P. M.

Act No. 582

H. 931—Harvey, Johnston, Nettles

AN ACT

Relating to schools; to provide for a Committee on Courses of Study; to prescribe the qualification and compensation of its members; to define its duties; and to repeal Sections 404, 405, 406, 407 of Title 52, Code of Alabama 1940 as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Board of Education on the recommendation of the State Superintendent of Education shall appoint a committee to be known as the Committee on Courses of Study to consist of nine members, one from each congressional district of the state, who at the time of their appointment shall be engaged in some phase of instructional work in state tax-supported public education in Alabama. The term of office of the members of said Committee shall be for a period of six years, and the members shall hold office until their successors shall be appointed. Provided, that of the first members appointed, three shall serve for two years, three shall serve for four years, and three shall serve for six years, all as designated by the State Board of Education. Vacancies shall be filled by the State Board of Education on the recommendation of the State Superintendent of Education and such appointees shall begin their terms of office immediately upon receiving notice of appointment and shall serve for the unexpired term. The term of office of the first members of said Committee shall begin on the first day of January, 1960. If the number of congressional districts in the state is reduced after this Act takes effect, a member of the Committee shall be appointed from each such district and the remaining members shall be appointed from the state at large. The State Superintendent of Education shall be ex officio chairman of the said Committee. The first meeting of each Committee on Courses of Study shall be held on the date and at the place to be determined by the State Superintendent of Education, at which time the Committee shall organize. Other necessary meetings may be held on dates to be determined by members of the said Committee, subject to the approval of the State Superintendent of Education.

Section 2. Before transacting any business each member of the Committee on Courses of Study and its secretary shall take an oath before someone authorized to administer oaths to discharge faithfully the duties imposed upon him as a member or

as secretary of said Committee on Courses of Study, and that he has no interest as an author, an associate author, a publisher, a representative of authors or publishers, and that he is in no way connected with the distribution of books, or pecuniarily interested directly or indirectly in the business or profits of any person, firm, or corporation anywhere engaged in manufacturing, publishing, or selling school books. Members of the Committee on Courses of Study shall be paid a per diem of twenty dollars during the time they are in session, provided the Committee shall not remain in session at any one time for a longer period than thirty days and in addition shall receive ten cents per mile traveled from their homes to the place of meeting and return, the per diem and mileage to be paid from the appropriation made for the purchase of free textbooks.

Section 3. It shall be the duty of the Committee on Courses of Study to make a comprehensive study of the courses taught in the public elementary and high schools of the State; to prepare the contents of the Courses of Study for each grade of the elementary and secondary schools; to submit recommendations to the State Superintendent of Education for transmittal to the State Board of Education along with any recommendations he may care to make.

Section 4. Sections 404-407 of Title 52, Code of Alabama 1940, and all laws or parts of laws in conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:16 P. M.

Act No. 583

H. 522—Merrill, Hawkins, Long (Lauderdale), Broadfoot, Bishop, Boyd, Bassett, Albea

AN ACT

To amend Section 3 of an act approved July 9, 1943, creating the Elementary Teachers Scholarship Fund (Act No. 535, S. 371, General Acts 1943, p. 509) so as to provide that funds available to each teachers college for the purpose of making scholarship grants directly may be used instead to match federal funds made available for a like purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of an act approved July 8, 1943, creating the Elementary Teachers Scholarship Fund (Act No. 535, S. 371, General Acts 1943, p. 509) is hereby amended to read as follows:

"Section Three. That the State Board of Education shall establish each year at least two hundred and fifty (250) scholarships to be divided equally among the State Teachers Colleges. No such scholarship shall exceed One Hundred Dollars (\$100.00) annually or Twenty-five Dollars (\$25.00) quarterly, if given on a quarterly basis. In order to qualify for such scholarship, each applicant shall file a written statement with the State Board of Education, approved by the President of the State Teachers College attended; stating such applicant plans to teach at least three years in the elementary grades of the tax supported Public Schools of Alabama, and that such applicant will be unable to attend said Teachers College without such assistance. The State Board of Education may make such other rules and regulations as may be necessary to carry out the purpose of this act. In lieu of making direct scholarship grants under this Act, the funds available to each college for that purpose may be used to match federal funds made available by Congress for a like purpose."

Section 2. This Act shall take effect October 1, 1959.

Approved November 19, 1959.

Time: 4:35 P. M.

Act No. 584

H. 850—Gilchrist, Brewer

AN ACT

To extend the boundary lines of the City of Decatur, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Decatur, in Morgan County, Alabama, be and the same are hereby extended so as to include, in addition to the territory now embraced therein, the following described property, to-wit:

TRACT 1

Beginning at the center of Section 31, Township 5 South, Range 4 West, thence South along the North-South centerline of the Section to the South boundary of said Section; thence West along said boundary to the West property line of Jessie Russell; thence South along the West property lines of Jessie Russell, Rube and Rosie Crow, W. F. Lamon and James C. Taylor, to the East-West centerline of Section 6, Township 6 South, Range 4 West; thence East along said centerline to the Northwest corner of Cedar Lake; thence South along the West boundary of Cedar Lake to the South boundary of said Section 6; thence West along said South boundary to the Northeast corner of the $W\frac{1}{2}$ of the $NE\frac{1}{4}$ of the $NW\frac{1}{4}$, Section 7, Township 6 South, Range 4 West;

thence South to the South boundary of the $N\frac{1}{2}$ of the $NW\frac{1}{4}$ of Section 7, Township 6 South, Range 4 West; thence West along said South boundary to the center of the $NE\frac{1}{4}$ of Section 12, Township 6 South, Range 4 West; thence South to the East-West centerline of said Section 12; thence West to the West boundary of said Section 12; thence North to the Northwest corner of said Section 12; thence West along the South boundary of Section 2, Township 6 South, Range 5 West to the Southwest corner of the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ of said Section 2; thence North to the Northeast corner of the $SE\frac{1}{4}$ of the $SW\frac{1}{4}$ of the $SE\frac{1}{4}$ of said Section 2; thence West along the North boundary of the $S\frac{1}{2}$ of the $SW\frac{1}{4}$ of the $SE\frac{1}{4}$ of said Section 2 to the North-South centerline of said Section 2; thence South along said centerline to the South boundary of said Section 2, thence West along said South boundary to the Southwest corner of the $SE\frac{1}{4}$ of the $SW\frac{1}{4}$ of said Section 2; thence North along the East boundary of the $SW\frac{1}{4}$ of said Section 2 to the Northeast corner thereof; thence West to the Northwest corner thereof; thence West along the North boundary of the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 2, Township 6 South, Range 5 West to the Northwest corner of the $E\frac{1}{2}$ of the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 3; thence South along the West boundary of said $E\frac{1}{2}$ to the North boundary of Section 10, Township 6 South, Range 5 West; thence West along said North boundary to the Northwest corner of the $NE\frac{1}{4}$ of the $NE\frac{1}{4}$ of said Section 10; thence South along the West boundary of said forty to the Southwest corner thereof; thence East along the South boundary of said forty to the Chapel Hill Road; thence Southwest along the Chapel Hill road to the East-West centerline of said Section 10; thence East along said centerline to the East boundary of said Section 10; thence South along said East boundary to the Southeast corner of the $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of said Section 10; thence West along the South boundary of the $N\frac{1}{2}$ of the $SE\frac{1}{4}$ of said Section 10 to a point 35 rods West of the Southwest corner of the $NE\frac{1}{4}$ of the $SE\frac{1}{4}$ of said Section 10; thence South to a point 105 feet North and 35 rods West of the Southeast corner of the $SW\frac{1}{4}$ of the $SE\frac{1}{4}$ of said Section 10; thence West a distance of 420 feet; thence South a distance of 105 feet to the South boundary of said Section 10; thence West along said South boundary to the Southwest corner of said Section 10; thence North along Section lines to the half mile post on the East boundary of Section 33, Township 5 South, Range 5 West; thence West to the Southwest corner of the $E\frac{1}{2}$ of the $NE\frac{1}{4}$ of said Section 33; thence North to the North boundary of said Section 33; thence East along the Section lines to the point of intersection with the South right of way line of Old Alabama Highway #24 (Old Moulton-Decatur Highway); thence Northeasterly along said Right of Way Line to the point of intersection with the East boundary of the $NW\frac{1}{4}$ of the $NW\frac{1}{4}$ of Section 26, Township 5 South, Range 5 West; thence South along said East boundary to

the Southeast corner of said forty; thence East along the North boundary of the $SE\frac{1}{4}$ of the $NW\frac{1}{4}$ of said Section 26 to the Northeast corner of the $W\frac{1}{2}$ of the $SE\frac{1}{4}$ of the $NW\frac{1}{4}$ of said Section 26; thence South to the Southeast corner of said half forty; thence East to the center of said Section 26; thence North to the Northwest corner of the $SW\frac{1}{4}$ of the $NE\frac{1}{4}$ of said Section 26; thence East to the center of the $NE\frac{1}{4}$ of said Section 26; thence North along the West boundary of the $NE\frac{1}{4}$ of the $NE\frac{1}{4}$ of said Section 26 and the West boundary of the $E\frac{1}{2}$ of the $SE\frac{1}{4}$ of Section 23, Township 5 South, Range 5 West, to the point of intersection with the South right of way line of Old Alabama Highway #24 (Old Moulton-Decatur Road); thence Northeast along said Right of Way to the point of intersection with the present City Limit line; thence East, South, West, Southeast, South, East, Southwest, West, South and East along the present City Limits to the point of beginning.

TRACT 2

Beginning at a point on the West boundary of U. S. Highway 31, which is on the present City Limit line of the City of Decatur on the South boundary of the $NE\frac{1}{4}$ of the $SW\frac{1}{4}$, Section 32, Township 5 South, Range 4 West; thence North along the present City Limit line a distance of 396 feet to the South margin of an unnamed road; thence continuing North along the present City Limit line a distance of approximately 40 feet to the North margin of said unnamed road, which is the true point of beginning; thence West along the South boundary of Wilkerson-Garth property to the Southwest corner thereof; thence North along the West boundary of Wilkerson-Garth property to the South boundary of the Rosie Houston property; thence East along the South boundary of the Rosie Houston property to the Southwest corner of the Shug Malone property; thence North along the East boundary of the Rosie Houston property to the East-West centerline of Section 32, Township 5 South, Range 4 West; thence West along said centerline to the Southwest corner of Lot 12, Echols-Faulk Subdivision; thence North along the West boundaries of Lots 12, 7 and 6 to the Southwest corner of Lot 1; thence West along the South boundaries of Lots 2 and 3 to the West boundary of the $NE\frac{1}{4}$ of the $NW\frac{1}{4}$ of Section 32, Township 5 South, Range 4 West; thence North along said West boundary to the present City Limit line; thence East, Southeast and South along the present City Limit to the true point of beginning.

TRACT 3

Beginning at the point where the present City Limit line intersects the East boundary of Section 5, Township 6 South, Range 4 West; thence South along the Section lines to the half mile post on the East boundary of Section 8, Township 6 South, Range 4 West; thence West along the East-West centerline of said Section

8 to the West right of way line of the L. & N. Railroad; thence Northwest along said right of way line to a point directly West of the North boundary of Davis & Randall Addition; thence East along the North boundary (extended) to the East right of way line of U. S. Highway 31; thence North along the East right of way line of U. S. Highway 31 to the present City Limit line; thence Southeast and South along the present City Limit line to the point of beginning.

TRACT 4

All of the N $\frac{1}{2}$ of the NE $\frac{1}{4}$, Section 11, Township 6 South, Range 5 West, except the property shown on the map in the Morgan County Tax Assessor's office to be owned by C. W. Mitchell, A. M. Royer, C. L. and Minnie Irick, Wilson Mitchell and Mrs. Sallie Mitchell.

TRACT 5

That part of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 11, Township 6 South, Range 5 West shown by the map in the Morgan County Tax Assessor's office to be owned by Chas. B. Mitchell, and all of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$, Section 11, Township 6 South, Range 5 West, except the portions shown by the map in the Morgan County Tax Assessor's office to be owned by C. W. Mitchell and F. L. Bentley, and also that part of the property shown on said map to be owned by Robert J. Gibson in said Section 11 which lies immediately east of, adjacent to and contiguous with the property of C. W. Mitchell and immediately west of the Decatur-Danville Road and north of the property shown to be owned by Paul O. Hampton.

TRACT 6

Beginning at the half mile post on the South boundary of Section 30, Township 5 South, Range 4 West; thence North, Northeast, East and South along the present City Limit line to the Northeast corner of Section 31, Township 5 South, Range 4 West; thence South along the Section line to the intersection with the West right of way line of the L. & N. Railroad; thence Northwest along said right of way line to a point 517.39 feet South of the North boundary of said Section 31; thence West a distance of 1092.53 feet to the West boundary of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 31; thence North along said West boundary to the North boundary of said Section 31; thence West along said North boundary to the point of beginning.

TRACT 7

All of Section 4 and the N $\frac{1}{2}$ of Section 9, Township 6 South, Range 4 West lying South of the South right of way line of Alabama Highway 67 and the present City Limit line.

TRACT 8

All of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$, Section 8, Township 6 South, Range 4 West, lying West of the L. & N. Railroad right of way.

TRACT 9

The S $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 6, Township 6 South, Range 4 West.

TRACT 10

Beginning at a point on the present City Limit line identified by TVA Monument No. 79 at the Southwest corner of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 33, Township 5 South, Range 4 West, and running thence North along the West line of said E $\frac{1}{2}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 33, to the City Limit line at Brookmead Road; thence East along the present City Limit line to the point where said line turns South, which point is 324.80 feet West of the West margin of Meadowbrook Road; thence in a southerly direction along the present City Limit line 1282.06 feet to a point; thence in a Westerly direction along the present City Limit line a distance of 25 feet; thence in a southerly direction along the present City Limit line a distance of 20 feet to a point on the South margin of the NW $\frac{1}{4}$ of said Section 33; thence West along the South margin of the NW $\frac{1}{4}$ of said Section 33 to the point of beginning.

Section 2. That the boundary lines of the City of Decatur, in Morgan County, Alabama, be and the same are hereby extended so as to include, in addition to the territory now embraced therein, the following described property, to-wit:

Beginning at the point of intersection of the south right-of-way line of Alabama Highway No. 20 (U.S.-72A) and west city limit of City of Decatur (East boundary Section 12, Township 5 South, Range 5 West), thence west along said right-of-way line to the point of intersection with the west boundary of Section 15, Township 5 South, Range 5 West, thence south along section lines to the point of intersection with the South right-of-way line of Old Alabama Highway No. 24 (near the southeast corner of Section 27, Township 5 South, Range 5 West); thence north-easterly along said right-of-way line to the point of intersection with the East boundary of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 26, Township 5 South, Range 5 West, thence South along said East boundary to the southeast corner of said forty, thence East along the North boundary of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 26 to the northeast corner of the W $\frac{1}{2}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 26, thence South to the southeast corner of said forty, thence East to the center of said Section 26, thence North to the northwest corner of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 26, thence East to the center of the NE $\frac{1}{4}$ of said Section 26, thence North along the West boundary of the

NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 26 and the West boundary of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$, Section 23, Township 5 South, Range 5 West to the point of intersection with the South right-of-way line of Old Alabama Highway 24, thence northeast along said right-of-way line to the point of intersection with the City limit line of the City of Decatur, Alabama, thence West, North, East, North, Southeast, Northeast, Southeast and North along the present Decatur City Limit line to the point of beginning.

Section 3. The provisions of Section 1 of this Act shall become effective immediately upon the passage and approval of the Act; but the provisions of Section 2 shall take effect only as provided in Section 4.

Section 4. (a) The provisions of Section 2 of this Act shall become effective only upon the approval of a majority of the qualified electors of Morgan County who reside within the territory described in Section 2 which is outside the present corporate limits of the City of Decatur, who vote thereon at a referendum election. The election shall be held within six months from the date of this enactment. The city council or commission of the City of Decatur shall provide for the holding of such a referendum.

(b) Notice of the election shall be given by the mayor of the City of Decatur and shall be published at least one time in a newspaper published in the City of Decatur not less than ten days prior to the date of the election. The notice shall state the date on which the election is to be held and describe the voting places designated by the council or commission of the City of Decatur and the boundaries within which voters must reside to vote at the respective voting places, which must be within the territory to be annexed to the city by Section 2 of this Act; and the notice must also state that a map of the territory to be affected is on file in the office of the city clerk, open to inspection by the public. The council or commission of the City of Decatur shall provide for such a map.

(c) The mayor of the City of Decatur, with the approval of the council or commission of the city, shall designate as many places within the particular territory to be annexed to the City of Decatur by Section 2 of this Act as he may deem necessary for the convenience of the voters, and must designate the boundaries within which the voters must reside to vote at the respective voting places; and the mayor of said city, with the approval of the city council or commission, shall appoint the election officials necessary to conduct the election.

(d) Each qualified voter of Morgan County who has resided within the boundaries of the territory to be annexed to the city by Section 2 of this Act for three months or more next preceding

the election may vote at the election, but he or she must vote at the voting place designated for voters in the territory in which he or she resides and in no other place. There shall be no absentee voting in the election. The election provided for herein shall be conducted in all respects as provided by the general election laws and under the same sanctions and penalties, except as modified by the provisions of this section. The election officials at the several voting places, as soon as the polls are closed on the date of the election, shall ascertain and certify the results of the election to the city clerk, and the city council or commission shall, within ten days thereafter, canvass the returns as made. If a majority of the voters who vote at the election approve of the annexation of the territory described in Section 2, the provisions of Section 2 of this Act shall become operative on the first day of the month next following the date of such election; however, if a majority of the votes cast at the election are against such annexation, the provisions of Section 2 of this Act shall have no further effect. The mayor of the City of Decatur shall certify the results of the election to the secretary of state of the State of Alabama and to the probate judge of Morgan County within thirty days of the date of the election, and he shall file with the city clerk a copy of such certificate.

(e) The costs for holding the referendum election provided for in this section shall be paid entirely by the City of Decatur.

Approved November 19, 1959.

Time: 4:17 P. M.

Act No. 585

S. 28—Dumas, Hines, Samford, Wyatt, Kendall, Turner, Graham, Haltom, Givhan, Word, Webb, Shelton, Barnett, Clark, Cooper, Rutledge, Jones, Golson, Berryman, Eddins, Caffey, Porter, Gaither, Godfrey, Leonard, Robison, Archer, Wilson, Andrews

AN ACT

To declare illegal the failure on part of all persons soliciting, making, procuring or receiving the same to make disclosure as to any contribution, commitment, acceptance or use of funds, assets or services in aid of the institution or maintenance of any suit or proceeding against the State of Alabama or any official, agency or subdivision thereof with respect to any order or official action of such Authority or to establish immunity or obtain injunction or declaratory action with respect thereto; also to provide criminal penalties for failure to make such disclosure or for wilfully making false statements therein and providing for the enforcement of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature of Alabama takes cognizance of developments contrary to the public interest resulting principally from the organization and activity of pressure groups dominated or financed in large part by non-resident individuals, corporations and foundations having inadequate understanding of or concern for social, educational, economic and fiscal problems of the State of Alabama and ignorant of the basic sympathy, understanding and good will underlying the relationships among the people of the State when not impaired by alien pressure and incitation.

The Legislature takes further cognizance of the direct tendency of this development to result in fomenting litigation through agents, agitators and counsel contrary to the public interest under conditions inducing or constituting common law champerty and maintenance, financed or induced by contributions or commitments from individuals or organizations having no justiciable right, interest or concern in the litigation which they instigate; such litigation resulting, moreover, in transferring to the courts within the state the consideration of grave political and public problems and having the effect of displacing or confusing more appropriate legislative and administrative procedures pertinent under the State constitution.

The Legislature further finds that litigation thus instigated, fomented and supported by undisclosed principals in effect masquerading as the named plaintiffs has tended to mislead the courts, the executive and administrative authorities as well as the public as to essential factors involved in the problem and procedure as well as to the good faith of the objective.

The Legislature takes further cognizance that the frequent, if not customary, representation of the plaintiffs in such fomented proceedings by non-resident counsel permitted to appear as a matter of comity, as if in good faith representing the ostensible plaintiff and without disclosure of the facts as to their employment, further tends to invite the offense of common law champerty and maintenance and fraud upon the courts from which they should be relieved of initiating the procedure for their protection.

Section 2. Be it therefore enacted that the failure to make disclosure as hereinafter provided as to contributions and commitments (Whether of funds, assets or legal services) made available for the payment or reimbursement of the cost, expense or for prosecution of any suit, action or proceeding hereafter instituted in any Court within the State of Alabama, State or Federal, of the nature herein defined is hereby declared unlawful, when made by any foundation, corporation, organization, trust, agency or other group or by any person not occupying the relationship of parent or guardian to a party to the suit or action and where

the person making the contribution or commitment has no justiciable interest in the result of the litigation or proceeding.

Section 3. Failure by any person who shall have procured any such fund, asset or service or commitment therefor and failure by any party to such action, suit or proceeding receiving such contribution, assistance or commitment to disclose or to cause disclosure thereof to be made when and as required hereby, and failure by counsel having knowledge or on notice of such facts to see that disclosure thereof is made as required hereby, shall likewise be unlawful, and shall also constitute contempt of court.

Section 4. The litigation with respect to which disclosure as to the contribution, commitment, receipt or use of funds or assistance is required hereby shall include any suit or proceeding by or in the name or behalf of any individual, group or class against the State of Alabama or against any public officer as such, or against any subdivision, Board or agency of the State or of any subdivision thereof or against or with respect to any order or official action of any such authority or any suit or proceeding to establish any immunity or obtain injunction or other process or declaratory action with respect thereto.

Section 5. Disclosure shall be made in writing, one copy of which shall be filed in the office of the Attorney General of Alabama and a copy in the suit or proceeding and shall state the names of all persons, corporations, organizations or groups making such contribution or commitment, the respective amounts contributed or committed, together with an account of the custody, disposition and procedure for disposition of the contribution; and such disclosure shall state fully by whom the requests for such contributions or commitments, if any, were made and any instructions of the donor. If such contribution or commitment to that end shall have been made prior to the institution of such suit the disclosure shall be filed by or before the filing thereof, if obtained after or if the contributions or commitment is made or enlarged after suit is instituted, disclosure shall be made and filed within thirty days thereafter.

Section 6. The defendant or respondent in any such proceeding shall have the right to examine the plaintiff or complainant and counsel with respect to the details of the assistance and the relationship of the contributor or solicitor to the proceeding, before any Court of the State of Alabama in which the proceeding is pending and if pending in a Federal Court in the Circuit Court in and for the County in which the Federal proceeding is pending, on petition to that end, answerable, in either event, within thirty days from service of the petition which is hereby authorized.

Section 7. Any person, firm, corporation, Foundation, group or association making or procuring, and any plaintiff or com-

plainant receiving or procuring or making use of any assistance, the failure to disclose which is declared unlawful hereunder and counsel for any such plaintiff having knowledge of the contribution or commitment shall by failure to make such disclosure as required hereby be guilty of a misdemeanor punishable on conviction by fine of not less than \$100 nor more than \$500; provided, that any person or organization who shall wilfully make false disclosure shall be deemed guilty of a felony and upon conviction thereof, shall be fined not less than \$1,000 and not more than \$5,000. Any person found guilty of more than one wilfull violation of this Act may also be imprisoned in the penitentiary for not less than one year nor more than five years.

Section 8. The Attorney General is hereby authorized and empowered to initiate in the name of the State of Alabama all proceedings required or appropriate under this Act either for punishment of violation thereof or to compel disclosure and compliance therewith, any such proceeding to be instituted in the County in which the failure to make disclosure occurred.

Section 9. Each person or organization filing or required to file written disclosure as required hereby shall pay filing fee of \$10, all such documents being hereby declared to be public records and subject to inspection as such.

Section 10. Neither such disclosure nor anything contained herein shall be construed as relieving any person guilty by reason of participation in fomenting or prosecuting such litigation of any charge of champerty or maintenance.

Section 11. The several and respective provisions of this Act are severable. If any part or provision thereof shall be declared unconstitutional or otherwise invalid or inapplicable such declaration shall not affect the provisions which remain.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:18 P. M.

Act No. 586

S. 49—Andrews

AN ACT

To provide further for furnishing information of convictions to boards of registrars by requiring justices of the peace, notaries public ex officio justices of the peace, judges of recorders' courts and clerks of all county courts or other courts of record to report the names of persons convicted of crimes disqualifying them from voting; providing a penalty for violations of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other duties now required of them by law, all justices of the peace, notaries public ex officio justices of the peace, judges of recorders' courts and the clerks of all county courts or other courts of record, shall furnish, once each month, the names of all persons who have been convicted of any offense mentioned in Section 182 of the Constitution of 1901 or Section 15 of Title 17 of the Code of Alabama (1940), to the board of registrars of the county in which such persons reside.

Section 2. Any justice of the peace, notary public ex officio justice of the peace, judge of a recorder's court or clerk of a county court or other court of record who wilfully fails to perform the duties imposed upon him by this Act shall forfeit the sum of one hundred dollars for each such failure. Such sum may be recovered in an action at law by any citizen of the county in which the officer acts, one-half to his own use and one-half to the use of the State.

Section 2(a). All information submitted to the Board of Registrars by the officers of the courts designaed herein shall set forth the full name, date of birth, sex and race of persons convicted of offenses set forth herein. It shall be mandatory upon the court wherein said conviction occurs to obtain the information required in this Act.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:19 P. M.

Act No. 587

S. 86—Webb, Barnett, Shelton, Porter

AN ACT

To amend further Section 34 of Title 61, Code of Alabama 1940, in relation to the time limit for probate of wills.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 61, Section 34, as amended, is amended further to read as follows:

TIME LIMIT FOR PROBATE OF WILLS

"Section 34. Wills shall not be effective unless filed for probate within five years from the date of the death of the testator. (If the testator was not an inhabitant of this state at the time of his or her death, the will may be admitted to probate in this state pursuant to section forty-six of this title, provided the will

was admitted to probate, within five years from the date of death, in the state, territory, or country where the testator resided at the time of death, and provided further, the probate in this state of the will of an inhabitant of another state, territory or country shall not be effective against persons purchasing from the heirs of such testator if such purchase was made more than five years after the death of the testator and prior to February 24, 1959.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, but it does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

Approved November 19, 1959.

Time: 4:20 P. M.

Act No. 588

S. 119—Haltom, Turner, Rutledge,
G r a h a m, deGraffenried,
Barnett.

AN ACT

To amend Section 12 of Title 35, Code of Alabama 1940, which relates to military leave for government employees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12 of Title 35, Code of Alabama 1940, is hereby amended to read as follows:

“Section 12. All officers and employees of the State of Alabama, or of any county, municipality, or other agency or political subdivision thereof, who shall be active members of the Alabama national guard or naval militia, or of the officer's reserve corps of the United States Army, or of the reserve components of the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, shall be entitled to military or naval leave of absence from their respective civil duties and occupations on all days that they shall be engaged in field or coast defense or other training or on other service ordered under the provisions of this chapter, or of the national defense act, or of the federal laws governing the United States reserves, without loss of pay, time, efficiency rating, annual vacation, or sick leave, but no such person granted such leave of absence with pay shall be paid for more than twenty-one working days at any one time.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:21 P. M.

Act No. 589

S. 145—Berryman

AN ACT

Relating to accounts of deceased persons in a Savings and Loan Association. To whom and how paid.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever a person shall die, leaving a savings account in a savings and loan association not exceeding one thousand dollars, the savings and loan association having the savings account may discharge itself from liability thereafter by paying the funds in the savings account to the widow or surviving husband of the deceased, or if there be no widow or surviving husband, to the person having the actual custody or control of the minor child or children of the deceased, provided that such person, if not the legal guardian, shall execute to the probate judge of the county a bond in the penal sum of double the amount of such deposit for the faithful accounting of the money so received, which shall be approved by said probate judge, or if there be no minor child or children, to the person or persons who, under the laws of Alabama are the heirs and inherit the personal property of the deceased. No such payment is to be made before the lapse of sixty days from the date of the death of the deceased, and no such payment must be made by the Savings and Loan Association under this section if letters testamentary or of administration have been issued to a personal representative or a proceeding is pending to probate a will of the deceased, or if a petition of letters of administration on the estate of the deceased is pending in the court in this state which would have jurisdiction of the administration of the estate; the amount or amounts of the savings account, together with the other personal property of the deceased, shall not exceed the amount of exemption allowed by law, and the Savings and Loan Association shall be fully protected and discharged from further liability by paying such funds to the person or persons set forth above if the Savings and Loan Association obtains an affidavit of some reputable citizen as to such facts.

Section 2. This Act shall take effect immediately after its passage and approval by the Governor, or its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:22 P. M.

Act No. 590

S. 149—Berryman

AN ACT

Relating to definitions of savings and loan associations; amending

Section 211, Title 5, Code of Alabama, 1940, and in clarification of Section 250, Title 5, Code of Alabama, 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 211, Title 5, Code of Alabama, 1940, is hereby amended to read as follows:

"Section 211. Definitions.—'Association' is defined to mean a savings and loan association subject to the provisions of this chapter, and a Federal savings and loan association incorporated pursuant to an Act of Congress known as the Home Owners' Loan Act of 1933, provided, however, that the administrative provisions of this chapter shall not apply to Federal savings and loan associations. 'Board' means the savings and loan board. 'Capital' means the aggregate of payments on accounts by members, plus dividends credited to such accounts, less redemption and repurchase payments. 'Combination home and business structure' means a building or buildings, including residences for not more than four families, which is used in part for business purposes. The residential use of such a building must be substantial and permanent, not merely transitory. The business use may predominate. 'Commissioner' means the savings and loan commissioner. 'Direct reduction loan' means a loan repayable in consecutive monthly installments, equal or unequal, beginning not later than sixty days after the date of the advance of the loan, sufficient to retire the debt, interest and principal, within twenty years; provided, however, that the initial loan contract shall not provide for any subsequent monthly installment of an amount larger than any previous monthly installment; and, provided further, that in the case of construction loans the first payment shall not be later than six months after the date of the first advance. Any such loan is an amortized loan. 'Gross income' means the sum for an accounting period of the following: (1) Operating income. (2) Real estate income. (3) All profits actually received during such accounting period from the sale of securities, real estate or other property. (4) Other non-recurring income. 'Home' means a dwelling or dwellings for not more than four families. A property does not cease to be a home because of the incidental use of it for minor business purposes so long as the principal use of the property is for residence purposes. A home on a farm is a home. 'Home loan' means a real estate loan when the security is home property. 'Home property' means real estate on which there is located, or will be located pursuant to a home loan, a home or a combination home and business structure. 'Impairment of capital' means that the assets of an association do not have an aggregate value (in the judgment of the board of directors or the commissioner) equal to the aggregate amount of liabilities of the association to its creditors and members and all other persons. 'Improved real estate' means real estate (other than land in a state of nature or wild land)

on which there is a structure or an enclosure, which is cultivated, reclaimed, used for the purpose of agriculture in any form, or otherwise occupied, made better, more useful or of greater value by care so as to produce an enjoyment thereof. 'Insured association' means an association insured by the federal savings and loan insurance corporation created under title IV of the national housing act. 'Member' means a person owning an account of an association, evidenced by a membership certificate issued in the name of such person, or a person borrowing from an association and holding a membership certificate issued in the name of such borrower. 'Net earnings' means gross income for an accounting period less the aggregate of the following: (1) Operating expenses. (2) Real estate expenses. (3) All losses actually sustained during such accounting period from the sale of securities, real estate or other property, or such portion of such losses as shall not have been changed to reserves, pursuant to the provisions of section 223 of this title. (4) All interest paid, or due but unpaid, on borrowed money. (5) Other non-recurring charges. 'Net earnings available for dividends' means net earnings for an accounting period less amounts transferred to reserves as provided in section 223 of this chapter. 'Operating expenses' means all expenses actually paid, or due but unpaid, by an association during an accounting period, excluding the following: (1) Real estate expenses. (2) Interest on borrowed money. (3) Other non-recurring charges. That portion of prepaid expenses not apportionable to the period may be excluded from operating expenses, in which event operating expenses for future periods shall include that portion of such prepaid expenses apportionable thereto. 'Operating income' means all income actually received by an association during an accounting period, excluding the following: (1) Real estate income. (2) Other non-recurring income. 'Other real estate loan' means a real-estate loan when the security is improved real estate other than home property. 'Participating Value' means the aggregate of payments by a member on an account, plus dividends credited thereto, less redemption and repurchase payments thereon. 'Real estate expenses' means all expenses actually paid, or due but unpaid, in connection with the ownership, maintenance and sale of real estate (other than office building or buildings) by an association during an accounting period, excluding capital expenditures and losses on the sale of real estate. 'Real estate income' means all income actually received by an association during an accounting period from real estate owned (other than from office building or buildings), excluding profit from sales of real estate. 'Real estate loan' means a loan on the security of real estate evidenced by any form of instrument whereby a lien is created upon such real estate for the benefit of another person or whereby title to real estate is conveyed to another person; in either case as se-

curity for the payment of an obligation to such person; or whereby title to real estate is conveyed another person as trustee for a third person, as security for the payment of an obligation to such third person. 'The regular lending area' means the county in which the home office of an association is located and the counties of the state, or adjoining states, immediately adjoining and abutting on such county and any additional area where fifty miles from the home office."

Approved November 19, 1959.

Time: 4:23 P. M.

Act No. 591

S. 160—Farmer, Webb, Berryman, Moses,
Crawford, Wilson and Givhan

AN ACT

Relating to cooperative agricultural associations: To amend Section 105 of Title 2 of the Code of Alabama of 1940 which relates to the use of the word "co-operative" in the name of agricultural cooperative associations.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 105 of Title 2 of the Code of Alabama of 1940 is hereby amended to read:

"Section 105. No person, firm, corporation, or association hereafter organized or doing business in this state as a co-operative association to market agricultural products shall be entitled to use the word "co-operative" as a part of its corporate or other business name or title unless it has complied with the provisions of this article".

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:24 P. M.

Act No. 592

S. 161—Farmer, Webb, Berryman, Moses,
Crawford, Wilson and Givhan

AN ACT

Relating to cooperative agricultural associations: To amend Sections 116, 117 and 118 of Title 2 of the Code of Alabama of 1940 which relate to the organization and management of agricultural cooperative associations such amendments to prescribe the procedure whereby said organizations may amend its declarations of incorporation, by-laws and fill vacancies occurring on boards of directors.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 116, 117 and 118 of Title 2 of the Code of Alabama of 1940 are hereby amended to read:

"Section 116. Five or more producers of agricultural products, whether in the State of Alabama or not, who may desire that they, their associates and successors, shall come under this subdivision and enjoy its benefits may enter into articles of association and incorporation which shall set forth the name of the organization, the period of its existence, its domicile, and the purposes for which it was formed, and that said association is to be organized or operated under this subdivision. The articles must be subscribed by the incorporators and acknowledged by one of them before an officer authorized by the law of this state to take and certify acknowledgments of deed and conveyances, and shall be filed in accordance with the provisions of the general corporation law of this state. When so filed the said articles of incorporation, or certified copies thereof, shall be received at all the courts of the state and other places as prima facie evidence of the facts contained herein, and the due incorporation of such association. Such articles of incorporation may thereafter be altered or amended at any regular meeting of the members or stockholders or at any special meeting called for that purpose provided that a quorum, as defined in the by-laws, is present. The amendment must first be approved by two-thirds of the directors and then adopted by vote of two-thirds of the members present and voting at the meeting. Amendments when so adopted shall be filed in accordance with general corporation laws of the state."

"Section 117. A majority of the organizing members named in the articles, at a time and place agreed upon in writing by all the said organizers or when and where all are present or upon call of a majority of such organizers upon five days' notice thereof in writing giving the time, place, and purposes of the meeting mailed or delivered by hand to all of the other said organizing members, may make permanent organization of such corporation and adopt by-laws for the same, which by-laws may thereafter be amended or repealed by the members of such incorporated association in the manner provided in the by-laws. At such organization meeting the members of the board of directors and such officers as provided for herein and in the by-laws shall be elected. Each association incorporated under this subdivision must within thirty days after its incorporation adopt for its government and management a code of by-laws not inconsistent with the powers granted in this subdivision."

"Section 118. The affairs of such incorporated association shall be conducted, controlled, and managed by a board of directors of such number, not to be less than five, and with such

terms of office as may be provided by the by-laws. The said directors shall be elected by the members or stockholders of the association from their own number. When a vacancy on the board of directors occurs other than by expiration of term, the remaining members of the board by a majority vote shall fill the vacancy until the next regular meeting of the members of the association. An association may provide a fair remuneration for the time actually spent by its officers and directors in its service. No director, during his term of office, shall be a party to a contract for profit with the association differing in any way from the business relations accorded regular members or holders of stock of the association."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:25 P. M.

Act No. 593

S. 162—Farmer, Webb, Berryman, Moses,
Wilson, Crawford and Givhan

AN ACT

Relating to cooperative agricultural associations: To amend Section 76 of Title 2 of the Code of Alabama of 1940 to authorize Boards of Directors of Agricultural cooperative associations to mortgage real estate owned by such cooperative associations.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 76 of Title 2 of the Code of Alabama of 1940 is hereby amended to read:

"Section 76. All cooperative agricultural associations of any kind or character whatsoever, heretofore or hereafter organized under the laws of the State of Alabama, are hereby authorized and empowered to purchase, or otherwise acquire, and to hold stock in the New Orleans bank for cooperatives and in the Central bank for cooperatives in accordance with the provisions of the farm credit act of 1933 as heretofore amended and as it may hereafter be amended by the congress of the United States. All corporations, heretofore, or hereafter organized under the laws of the State of Alabama, which are eligible to borrow from production credit associations, are hereby authorized and empowered to purchase or otherwise acquire, and to hold stock in production credit associations in accordance with the provisions of the farm credit act of 1933 as heretofore amended and as it may hereafter be amended by the congress of the United States. Notwithstanding the provisions of other laws of the State of Alabama, any agricultural cooperative association organized

under the laws of the State of Alabama or authorized to do business in said state may provide in its by-laws that the board of directors of such cooperative shall have the power to authorize the execution of mortgages covering its real property as security for debts of the cooperative; provided, however, that Boards of Directors of such cooperative associations shall not be authorized to mortgage real property unless such action is favored and approved by not less than a majority of the membership of the Board of Directors."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:26 P. M.

Act No. 594

S. 175—Haltom, Andrews, Webb, deGraffenried, Graham, Turner, Jones, Crawford, Moses, Berryman, Gaither, Cooper, Kendall, Samford, Givhan, Caffey, Porter, Hines, Dumas, Roberts, Farmer, Rutledge, Word, Wyatt, Wilson, Clark, Leonard, Godfrey and Barnett

AN ACT

To amend Section 3 of Act No. 443, approved August 28, 1953, entitled "An act to provide law clerks to be appointed by the chief justice and the associate justices of the supreme court, to prescribe their duties and fix their compensation," (General Acts Alabama, Regular Session, 1953, p. 549), and to provide the time when the amendment shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of Act No. 443, approved August 28, 1953, entitled "An act to provide law clerks to be appointed by the chief justice and the associate justices of the supreme court, to prescribe their duties and fix their compensation" (Gen. Acts 1953, Reg. Sess. p. 549) be, and the same is hereby, amended to read as follows:

"Section 3. The salary of each such law clerk shall not be in excess of four thousand eight hundred dollars (\$4,800.00) annually, to be fixed by the chief justice or associate justice employing him, and shall be paid in semi-monthly installments out of the general funds of the state as other state employees are paid."

Section 2. This act shall become effective immediately upon

its passage and approval by the Governor or its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:28 P. M.

Act No. 595

S. 178—Haltom

AN ACT

To amend Section 3 of Act No. 724, approved September 17, 1953, entitled "An act to provide law clerks to be appointed by the presiding judge and the associate judges of the Court of Appeals, to prescribe their duties and fix their compensation" (General Acts Alabama, Regular Session 1953, p. 979, and to provide the time when the amendment shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of Act No. 724, approved September 17, 1953, entitled "An act to provide law clerks to be appointed by the presiding judge and the associate judges of the Court of Appeals, to prescribe their duties and fix their compensation" (General Acts Alabama, Regular Session, 1953, p. 979) be, and the same is hereby, amended to read as follows:

"Section 3. The salary of each such law clerk shall not be in excess of four thousand eight hundred dollars (\$4,800.00) annually, to be fixed by the presiding judge or associate judge employing him, and shall be paid in semi-monthly installments out of the general funds of the state as other state employees are paid."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:27 P. M.

Act No. 596

S. 197—Robison, Moses, Turner, deGraffenried and Eddins

AN ACT

To appropriate out of any funds in the State Treasury not otherwise appropriated the sum of \$50,000.00 for the purpose of renovating and remodelling space in the basement of the State Capitol for a restaurant and for the correction of the electrical distribution system for the Capitol.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, out of any funds in the State Treasury not otherwise appropriated, the sum of

\$25,000.00 to be used only for the purpose of renovating, repairing and altering space in the basement of the State Capitol Building to provide a cafeteria or other restaurant facility.

Section 2. There is hereby appropriated, out of any funds in the State Treasury not otherwise appropriated, the sum of \$25,000.00 to be used only for the purpose of repairing, altering and providing adequate space, equipment, materials, transformers, wiring and other things necessary and incident to the correction and modernization of the supply and distribution of electricity in the State Capitol Building.

Section 3. The above appropriations shall be allotted by the budget officer on the approval of the Director of Finance and the State Building Commission shall approve all plans and specifications for such renovation and alterations. The State comptroller shall issue his warrants not in excess of the \$50,000.00 herein appropriated in payment for the work done, from time to time, upon approval of the Director of the State Building Commission. All repair, alteration and renovation shall be contracted pursuant to the provisions of Title 50, Code of Alabama 1940, as amended.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:30 P. M.

Act No. 597

S. 201—Caffey

AN ACT

To amend Act Number 178, passed by the 1949 Legislature, so as to cause it to read as follows:

AN ACT

to promote education in this state by authorizing and empowering county governing bodies and the governing bodies of the municipalities in the State of Alabama to undertake research into the history of the State of Alabama, its several counties and municipalities, its coastline and boundaries, and of the territory included therein, its geological deposits, agricultural and marine data, its rivers, streams and harbors, its history from the earliest times and especially during the colonial period, A. D. 1519 to A. D. 1815, and such general historical data and information, and to effect the completion of the translations of such data and information, where such old official records are in foreign languages, and to effect the publication of these records for the free distribution to public libraries, school libraries and to college and university libraries within this state for the further diffusion of knowledge in reference to the history and resources of the State of Alabama and its several counties and municipalities and the encouragement in general of historical work and research into colonial records of the State of

Alabama and for the free dissemination of such information, to authorize, and empower county governing bodies and the governing bodies of the municipalities to make appropriations of county funds and of municipal funds for such purpose; to empower, county governing bodies and the governing bodies of the municipalities to enter into contracts with historical corporations, foundations or associations which are duly incorporated within this State in order to carry out the purpose of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing bodies and the governing bodies of all municipalities in the State of Alabama are hereby authorized, and empowered to promote education by undertaking research into the history of the State of Alabama, its several counties and municipalities, its coastline and boundaries, and the territory included therein, its geological deposits, agricultural and marine data, its rivers, streams and harbors, its history from the earliest times and especially during the colonial period, A. D. 1519 to A. D. 1815, and such general historical data and information, and to effect the completion of translations of such data and information, where such old official records are in foreign languages, and to effect the publication of these records for the free distribution to public libraries, school libraries and to the College and university libraries within the State of Alabama and for the further diffusion of knowledge in reference to the history and resources of the State of Alabama and its several counties and municipalities and the encouragement in general of historical work and research in all colonial records of the State of Alabama.

Section 2. To carry out the authority vested in the county governing bodies and the governing bodies of the municipalities by the provisions of Section One hereof, the county governing bodies and the governing bodies of the municipalities of the State are hereby authorized, and empowered to set aside, appropriate and use county funds and municipal funds for this purpose.

Section 3. To carry out the provisions of this Act, all county governing bodies and the governing bodies of all municipalities are hereby authorized, to enter into contracts with historical corporations, foundations or associations which are duly incorporated within this State.

Section 4. All laws and parts of laws in conflict with the provisions of this Act, be and are hereby expressly repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:31 P. M.

Act No. 598

S. 296—Robison

AN ACT

To make appropriations for each of the fiscal years ending September 30, 1960 and September 30, 1961, to the state department of health for its dental program.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated for each of the fiscal years ending September 30, 1960 and September 30, 1961, to the state department of health for use in that department's dental program. The appropriation for each year shall be allocated and spent as follows: For salaries, fourteen thousand dollars; for other expenses, thirty-six thousand dollars. The appropriation made in this Act is in lieu of and supersedes the appropriation made for the program herein specified in Act No. 98, H. 1, approved June 24, 1959.

Section 2. This Act shall take effect October 1, 1959.

Approved November 19, 1959.

Time: 4:34 P. M.

Act No. 599

S. 315—Webb, Givhan, Barnett and Berryman

AN ACT

To provide in addition to all other revenues heretofore appropriated to the Division of State Parks, Monuments and Historical Sites the sum of \$50,000.00 for each of the fiscal years 1959-60 and 1960-61 from the revenues derived from the sale of sand and gravel and timber and timber products.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other sums heretofore appropriated to the Division of State Parks, Monuments and Historical Sites there is hereby appropriated from the revenues received from the sale of sand and gravel from the public water bottoms and the sale of timber and timber products from the State Parks System the sum of fifty thousand dollars (\$50,000.00) for each of the fiscal years 1959-60 and 1960-61. Provided, however, such monies if same become available through such sale shall be used and expended by the Division of State Parks, Monuments and Historical Sites only for the construction and operation of tent camping areas within the State Parks System.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Section 3. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Approved November 19, 1959.

Time: 4:32 P. M.

Act No. 600

S. 349—Eddins and Andrews

AN ACT

To amend Sections 278-283 of Title 55, Code of Alabama 1940, in relation to the public library service.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 278, 279, 280, 281, 282, and 283 of Title 55, Code of Alabama 1940, are amended to read as follows:

"Section 278. In order to aid in the development of higher ideals of citizenship and the enlargement of opportunity for culture and recreation, and in order to afford an additional means for the further upbuilding of the educational facilities of the state, there shall be a public library service, which shall be known as the Alabama Public Library Service, and shall have as its chief objective the development of a cooperative system of providing books and library service for the various cities and counties of the state.

"Section 279. The executive board of the Alabama public library service shall consist of five members appointed by the governor. Such members shall be qualified electors of the state and shall have resided in the state for five years next preceding their appointment. Appointments shall be for five years, and all vacancies, including expired and unexpired terms, shall be filled by the governor by appointment. The incumbent members of the executive board of the public library service division heretofore appointed shall continue in office and constitute the executive board of the Alabama public library service until the expiration of their respective terms of office. Members of the executive board shall be allowed ten dollars per day, plus transportation expenses at eight cents a mile traveled, while on official business, provided this time shall not exceed twenty days per year for any member of the board. In addition, however, members of the board may attend state and national conventions of librarians and shall be reimbursed actual expenses incurred in doing so. It shall be the duty and power of the executive board to conduct the affairs of the public library service, to administer the funds received from the treasury that are allocated to the public library service, and shall be responsible for the program and for such other activities as would naturally be administered by such an executive board.

"Section 280. The Alabama public library service shall give advice to all free public, regional, city and county libraries and to all communities in the state which may propose to establish public libraries, in the manner hereinafter provided, as to the best means of establishing and administering such public library service; selecting and cataloging books and other details of library management; and may send any of its staff to aid in organizing such libraries, or to assist in the improvement of those already established; may advise as to the proper qualifications of librarians of free public, regional, city and county libraries, and shall perform such other services consistent with and in furtherance of the purpose of this article as shall from time to time appear feasible. Moreover, the service shall advise as to arrangements as provided in section 288 of this title, by which local governmental agencies may combine in the establishment of joint units of library service. The service may receive and shall administer all funds, books or other property, from whatever source, under such conditions as may be deemed necessary in order to carry out the purpose of this article; and by the use of such means and methods as circumstances warrant, the service may acquire and operate traveling libraries and circulate or loan such books and libraries among communities, libraries, library associations, social and civic clubs and organizations and other public agencies and institutions under such conditions and rules as the board deems necessary in order to protect the interests of the state and to increase the efficiency and promote the extension of public library service throughout the state.

"Section 281. The members of the executive board shall elect from its membership a chairman and a vice chairman. The board shall appoint a director. The director shall be a graduate of an accredited library school who shall have had a minimum of three years of library experience in an administrative capacity, or shall be a college graduate with a Master's Degree with a major in library science who shall have had a minimum of five years of library experience in an administrative capacity. The director shall not be a member of the executive board and shall serve at the pleasure of the board. All other members of the staff of the service shall be appointed by the executive board on the nomination of the director, and shall be subject to the provisions of the state merit system law. The director shall keep a record of the proceedings of the board; shall keep accurate accounts of all financial transactions of the service; shall have charge of its work in organizing new libraries and improving those already established and in general perform such duties as may from time to time be assigned by the executive board. In addition to their salaries, the director and the assistants shall be allowed their actual expense while absent from their duty station on official business for the public library service.

"Section 282. The executive board shall make an annual report to the governor. The report shall show public library conditions and progress in Alabama and a statement of the expenses and activities of the public library service. These annual reports shall be printed as other annual reports of the state departments and shall be distributed by the board, or the director thereof.

"Section 283. The Alabama public library service shall each year obtain from all free public libraries in the State of Alabama reports showing the conditions, growth, development and conduct of said libraries. This provision shall not apply to the libraries of the supreme court of Alabama, the department of archives and history, or school libraries aided and supervised by the department of education, and the libraries of institutions of higher learning."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:33 P. M.

Act No. 601

S. 376—Eddins

AN ACT

Relating to the fees and compensation of coroners; amending Sections 94 and 95 of Title 11, Code of Alabama 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 94 of Title 11, Code of Alabama 1940, as amended by an act approved September 17, 1953, is amended further to read as follows:

"Section 94. The coroner is entitled to the following fees:

For going to and returning from the place where he holds an inquest, six cents per each mile traveled.

For holding an inquest, when ordered by a judge of a court of record or by the circuit or county solicitor.....\$7.50

For summoning jury on inquest..... 1.00

For each subpoena..... .25

For each warrant of arrest..... .50

For each bond or undertaking returned to court..... .50

For investigation and certification of the cause of death when no jury is summoned or post mortem examination made by a

physician or surgeon as provided in section 95 of this title, six cents for each mile traveled in going and returning, and seven dollars fifty cents, to be paid from the county treasury.

For money paid into the county treasury, when found on the body of a deceased person, five percent; but in no case more than.....\$7.50

In no event shall the coroner be entitled in any one year to fees exceeding in the aggregate twelve hundred dollars.

For all services performed by the coroner when discharging the duty of sheriff in cases authorized by law, he shall be entitled to the same fees that are allowed the sheriff for similar services."

Section 2. Section 95 of Title 11, Code of Alabama 1940, is hereby amended to read as follows:

"Section 95. Fees for holding inquest shall be paid out of the county treasury, when the inquest has been held under the order of a judge of a court of record or circuit or county solicitor; and such fees must be also certified by the coroner to the clerk of the circuit court of the county, and must be taxed as costs against any person who is convicted for killing the person on whose body the inquest was held, and be collected like other costs in criminal cases; and, when collected in cases in which the county has paid the same, shall be paid to the county treasurer for the use of the county; and in other cases to the coroner. No fees shall be paid for an inquest when it is publicly known before the jury is summoned who caused the death of the deceased, or when the slayer has been arrested for the homicide; but in such case, if the immediate cause of the death is uncertain, a physician or surgeon may be summoned to make a post mortem examination, who shall give his opinion in writing as to the cause of the death, which must be returned by the coroner as inquests are returned by him, and such coroner, physician, or surgeon shall be entitled to the same fee and mileage, to be paid in the same manner as for attending an inquest; such fees as accrue to coroners for services rendered by him in discharging duties of sheriff, must be taxed, collected, and paid in the same manner that sheriffs' fees for like services are taxed, collected, and paid."

Approved November 19, 1959.

Time: 2:45 P. M.

Act No. 602

H. 733—Goodwyn, Merrill, Ferguson

AN ACT

To amend further Section 361 of Title 17, Code of Alabama 1940,

in relation to single shot voting for the nomination or election of electors for president and vice president of the United States.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 361 of Title 17, Code of Alabama 1940, as amended by an act approved September 6, 1957, is amended further to read as follows:

"Section 361. A ballot commonly known as a single shot shall not be counted. Where two or more candidates are to be nominated for the same offices, the voter must express his choice for as many candidates as there are offices to be filled, and if he fails to do so, his ballot, so far as said particular office is concerned, shall not be counted and recorded, but as to the rest of the ballot it shall be counted and recorded. Provided, however, the provisions of the foregoing sentence shall not apply to the nomination or election of members of party executive committees nor delegates to national conventions of political parties; nor to the nomination or election of electors for president or vice president of the United States. Provided further, in counties of 500,000 population or over, according to the last or any succeeding federal census, where voting machines are used, the voter may vote for fewer candidates than there are offices to be filled if there are more qualified candidates than the number for whom the voting machine can accurately record the results. In such event the provisions of the second sentence hereof shall not apply."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:53 P. M.

Act No. 603

H. 725—Goodwyn, Pierce, Adams (Tallapoosa)

AN ACT

To authorize each county in this state, in which voting machines may now or hereafter be authorized or required to be used in the conduct of elections, to sell and issue from time to time interest bearing warrants or certificates of indebtedness of such county for the purpose of acquiring or providing voting machines for the conduct of elections in such county; authorizing each such county to pledge and use, for payment of the principal of and interest on such warrants and certificates, so much as may be necessary for such purpose of the $\frac{1}{2}$ of 1% ad valorem tax which such county is now authorized to levy without reference to its purpose, and specifying the effect and priority of any such pledge; and authorizing the refunding of such warrants and certificates.

Be It Enacted by the Legislature of Alabama:

Section 1. Application of Act. The provisions of this act shall apply to each county in this state in which voting machines may now or hereafter be authorized or required to be used in the conduct of elections in such county.

Section 2. Authorization of Issuance of Warrants or Certificates. Each county in which voting machines may now or hereafter be authorized or required to be used in the conduct of elections in such county shall have the power from time to time to sell and issue interest-bearing warrants of such county or interest-bearing certificates of indebtedness of such county for the purpose of paying the cost of acquiring or providing voting machines for the conduct of elections in such county. Such warrants and certificates may be in such denomination or denominations, may have such maturity or maturities not exceeding fifteen years from their date, may bear interest from their date at a rate or rates not exceeding 6% per annum, payable semiannually, may be payable at such place or places within or without this state, may be sold at such time or times and in such manner, may be executed in such manner, and may contain such terms not in conflict with the provisions of this act, all as the governing body of such county may provide in the proceedings wherein the warrants or certificates are authorized to be issued. All such warrants and certificates shall evidence general obligation indebtedness of the county by which they are issued, and the full faith and credit of the county shall be irrevocably pledged for the payment of the principal thereof and interest thereon. The proceeds derived from the sale of any such warrants and certificates shall be used solely for the purpose for which they are authorized to be issued, including the payment of any expenses incurred in connection with the issuance thereof.

Section 3. Pledge of General Ad Valorem Tax. The governing body of the county issuing any such warrants or certificates may, in its discretion, pledge and use or cause to be used, for the payment of the principal of and interest on such warrants and certificates, so much as may be necessary for such purpose of the general annual ad valorem tax of $\frac{1}{2}$ of 1% which the county is authorized to levy without reference to the purpose thereof under the provisions of Section 215 of the Constitution of Alabama of 1901. If more than one such pledge shall be made of the said tax, then such pledges shall take precedence in the order in which they are made unless the proceedings making such pledge shall expressly provide that such pledge shall be on a parity with or subordinate to a subsequent pledge of the said tax. All warrants and certificates for which the pledge authorized in this section may be made shall constitute preferred claims against the said tax, and shall have preference over claims

incurred in carrying on the governmental functions of the county.

Section 4. Authorization of Refunding Warrants and Certificates. Each such county may in like manner from time to time issue refunding warrants and certificates, either by sale or by exchange, for the purpose of refunding a like or greater principal amount of warrants and certificates then outstanding which were issued under the provisions of this act and the interest thereon and paying any premium necessary to be paid to retire the outstanding warrants and certificates refunded thereby. The provisions of this act applicable to the warrants and certificates so refunded shall likewise be applicable to such refunding warrants and certificates.

Section 5. Provisions Hereof Control. In so far as the provisions of this act may be inconsistent with the provisions of any other law, the provisions of this act shall contrroll, it being hereby specifically declared that the provisions of Section 78 of Title 12 of the Code of Alabama of 1940 shall not be applicable to the warrants and certificates issued under the provisions of this act.

Section 6. Severability. If any clause or provision of this act shall be, or be declared to be, invalid, any such invalidity shall not affect any other clause or provision hereof that is not in itself invalid.

Section 7. Effective date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:52 P. M.

Act No. 604

H. 724—Goodwyn, Pierce, Adams (Tallapoosa)

AN ACT

To amend Sections 92 and 117 of Title 17 of the Code of Alabama of 1940 so as to authorize any county or city or other political subdivision of the state to authorize and direct the use of voting machines for registering or recording and computing the vote at all elections held in such county or city or other political subdivision or portion of any thereof without the requirement of submitting the question of the authorization or installation of voting machines to a vote of the qualified electors of such county, city, or other political subdivision, and so as to make the pertinent and necessary laws pertaining to the use of voting machines in counties also apply to the use of voting machines in any municipality or other political subdivision in which voting machines may be adopted.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 92 of Title 17, Code of Alabama 1940, is hereby amended so that said section shall read as follows:

"Section 92. The governing body of any county or municipality or other political subdivision of the state may in its discretion, by adoption of an appropriate resolution, authorize, adopt and direct the use of voting machines for registering or recording and computing the vote at all elections held in such county or municipality or other political subdivision or portion of any thereof without the requirement of submitting the question of the authorization and installation of voting machines to a vote of the qualified electors of such county, municipality or other political subdivision or portion of any thereof."

Section 2. Section 117 of Title 17, Code of Alabama 1940, is hereby amended so that said section shall read as follows:

"Section 117. In the event a municipality or other political subdivision of the state within any county adopts the use of voting machines, whether such adoption be by resolution of the governing body thereof or by an election held therein as herein provided, the pertinent and necessary laws and requirements pertaining to the use of voting machines in counties shall apply to the use of voting machines in said municipalities or other political subdivisions of the state in so far as said laws and requirements are pertinent and necessary to legalize the use of voting machines in such municipalities or other political subdivisions of the state."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:51 P. M.

Act No. 605

H. 96—Brewer

AN ACT

To amend further Section 70 of Title 12, Code of Alabama (1940), which relates to the State's participation in salaries of county engineers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 70 of Title 12, Code of Alabama (1940), as amended, is amended further to read as follows:

"Section 70. When any county has established the office of county engineer, the state highway director, upon application of the board of revenue, court of county commissioners, or other like governing body of the county, may authorize the expenditure out of the available funds of the state highway department an amount equal to one-half of the annual salary of such engineer, which amount shall apply to the payment of the salary of

such engineer. It is provided, however, that the amount contributed or paid by the state highway department as part of the salary of any county engineer shall not exceed four thousand two hundred dollars (\$4,200) in any one year. Provided further, that the amount contributed or paid by the state highway department on the salary of any county engineer shall be of the same proportionate amount for each county employing a county engineer. The state highway director may discontinue such payment after thirty days' notice in writing to the board of revenue, court of county commissioners, or other like governing body of the county, and to the county engineer, unless otherwise agreed to in writing with the county by contract made and entered upon the records of the county governing body."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:00 P. M.

Act No. 606

H. 1132—Steagall

AN ACT

To provide for the compensation of the county or deputy solicitor in all counties having a population of not less than 20,500 nor more than 20,830, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 20,500 nor more than 20,830, according to the most recent federal decennial census, the county or deputy solicitor shall be entitled to a salary of two hundred dollars a month, payable from the county treasury at the end of each month, on warrants drawn in the manner prescribed by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the month next following the date of its enactment.

Approved November 19, 1959.

Time: 4:01 P. M.

Act No. 607

H. 1126—Sessions, Edwards, Locke, Hawkins,
Rast, Morrow, Perry

AN ACT

To alter and extend the boundaries of the City of Leeds, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Leeds, in the County of Jefferson, State of Alabama, are hereby altered and extended so that said boundaries shall include within the corporate limits of said city all of the following described additional property not presently located in said city, to-wit:

Section nineteen (19), Township seventeen (17), Range One (1) east, except the west one-half ($W\frac{1}{2}$) of west one-half ($W\frac{1}{2}$) of said section;

North one-half ($N\frac{1}{2}$) of Section thirty (30), Township seventeen (17), Range one (1) east, except west one-half ($W\frac{1}{2}$) of northwest quarter ($NW\frac{1}{4}$) of said section;

That part of west one-half ($W\frac{1}{2}$) of west one-half ($W\frac{1}{2}$) of Section twenty (20), Township seventeen (17), Range one (1) east and that part of west quarter ($W\frac{1}{4}$) of northwest quarter ($NW\frac{1}{4}$), Section twenty-nine (29), Township seventeen (17), Range one (1) east, not being presently located within the boundaries of the corporate limits of said City of Leeds, Alabama, all said property being in Jefferson County, Alabama.

Section 2. (a) The provisions of this Act shall become effective only upon the approval of a majority of the qualified electors of Jefferson County residing within the territory described in Section 1 which is outside the present corporate limits of the City of Leeds, who vote thereon at a referendum election which is ordered to be held on the first Tuesday after the expiration of thirty days from the date of this enactment.

(b) Notice of the election shall be given by the sheriff of Jefferson County. The notice shall be published one time in a newspaper published in the City of Leeds at least ten days prior to the date of the election. The notice shall state the date on which the election is to be held, describe the voting place or places designated by the chairman of the board of registrars of Jefferson County and the boundaries within which voters must reside to vote at the respective voting places, which must be within the particularly described territory annexed to the city by this Act; and the notice must state that a map of the territory to be affected is on file in the office of the judge of probate of Jefferson County, open to inspection by the public. The council or commission of Leeds shall provide such a map.

It shall be sufficient for the purpose of this Act if such notice is in substance as follows:

"Notice is hereby given that, pursuant to Act No. _____ (giving number of this Act) of the 1959 Regular Session of the Legislature of Alabama, an election will be held on Tuesday, the _____ day of _____, 1959, between eight

o'clock a. m. and six o'clock p. m., in the unincorporated territory described in Section 1 of said Act No. _____ and also in a map on file in the office of the judge of probate of Jefferson County, for the purpose of submitting to the qualified electors residing in such unincorporated territory the question of approval or disapproval of such Act.

"Notice is also given that there have been designated and appointed as voting places, and as officers to serve at such voting places, the following: (here describe the locations of the designated places of voting and list the names of the election officials appointed for each place)."

(c) The chairman of the board of registrars of Jefferson County shall designate as many places within the particular territory to be annexed to the City of Leeds as he may deem necessary for the convenience of the voters, and must designate the boundaries within which the voters must reside to vote at the respective voting places; and the appointing board of the county, consisting of the judge of probate, sheriff, and clerk of the circuit court of Jefferson County, as provided by law, shall appoint an inspector, a chief clerk, and two assistant clerks for each voting place to be used at the election.

(d) Each qualified voter who has resided within the boundaries of the territory hereby annexed to the city for three months next preceding the election may vote at the election, but he or she must vote at the voting place designated by the chairman of the board of registrars for voters in the territory in which he or she resides and in no other place. There shall be no absentee voting in the election.

(e) The election provided for herein must be conducted in all respects as provided by the general election laws and under the same sanctions and penalties, except as modified by the provisions of this section.

(f) The probate judge of Jefferson County shall cause to be prepared necessary election supplies, including ballots, and the cost of these supplies shall be paid by the City of Leeds. The question to be printed on the ballot shall be substantially stated as follows: "Do you favor the annexation of territory to the City of Leeds in accordance with the provisions of Act No. _____, H. B. _____, enacted at the Regular Session of the Legislature of 1959? Yes () No ()."

(g) The inspectors at the several voting places must, as soon as the polls are closed, ascertain and certify the results of the election to the judge of probate, and the judge of probate must canvass the returns as made. If a majority of the votes cast are "Yes," this Act shall become operative on the first day of the month next following the date of such election; however, if

a majority of the votes cast at the election are "No," this Act shall have no further effect. The judge of probate of Jefferson County shall certify the results of the election to the secretary of state of the State of Alabama and to the clerk of the City of Leeds within thirty days from the date of the election, and he shall keep on file in his office a copy of such certificate.

(h) The judge of probate of Jefferson County shall be entitled to like fees for his services performed under the provisions of this Act as he is authorized by law to charge and collect for similar services rendered by him in county elections, and all other officers shall be entitled to like compensation for services rendered by them as they are authorized by law to charge and collect for similar services rendered by them in regular county elections, all of which shall be paid by the City of Leeds.

Approved November 19, 1959.
Time: 4:02 P. M.

Act No. 608

H. 1125—Salter

AN ACT

To authorize the court of county commissioners, board of revenue or other like governing body of Conecuh County to designate deputy sheriffs as county traffic control officers and to provide for the payment of their compensation, in whole or in part, from the Conecuh County public highway and traffic fund.

Be It Enacted by the Legislature of Alabama:

Section 1. It being the duty of the chief deputy sheriff and any other deputy sheriffs of Conecuh County to enforce state traffic and motor vehicle laws, the court of county commissioners, board of revenue, or other like governing body of Conecuh County is hereby authorized to designate the chief deputy and any other deputy sheriffs, whose compensation is paid by the county according to law, as a county traffic control officer. In its discretion, the county governing body may provide for the payment of the compensation of the deputy sheriffs so designated as traffic control officers, in whole or in part, from the Conecuh County public highway and traffic control fund.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.
Time: 4:03 P. M.

Act No. 609

H. 1124—Meade

AN ACT

To provide for the compensation of the coroner of Cherokee County.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner of Cherokee County shall be entitled to an annual salary of three hundred dollars (\$300), which shall be payable in equal monthly installments from the general fund of the county, on warrants drawn on such fund in the manner prescribed by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:04 P. M.

Act No. 610

H. 1122—Hocklander, Reynolds (Chambers)

AN ACT

To provide for and fix the compensation and duties of the Chief Assistant in the office of the Clerk of the Circuit Court of Mobile County, Alabama, in charge of the Criminal Division of said Circuit Court.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Clerk of the Circuit Court of Mobile County, Alabama, may employ at public expense one Clerk to serve as Clerk of the Criminal Division of said Court to be known as the Chief Assistant to the Clerk of said Court and authorized to perform all of the official duties of the Clerk of said Court, who shall be an employee of the Clerk of said Court and as such may be discharged as may be done between private employer and employee, such Chief Assistant to discharge the duties imposed upon him or her by law and by the Clerk of said Court.

Section 2. That such Chief Assistant shall be paid a salary of \$6,000.00 per year, payable in equal monthly installments out of the Treasury of Mobile County, Alabama.

Section 3. That the Chief Assistant to the Clerk of said Court provided for herein, before he or she enters upon his or her duties herein prescribed, must take the oath directed to be taken by the officers of this state, and give bond with surety, payable to the said Clerk of said Court, in such sum as he may

prescribe. Upon this Bond the said Chief Assistant to the Clerk of said Court shall be liable to the said Clerk of said Court in consequence of any act of misfeasance or malfeasance of such Chief Assistant in the duties of his or her office. Said bond must be approved by the said Clerk of said Court, and be filed and recorded in the Office of the Judge of Probate for said County, and the premiums for said bond paid from funds of the Treasury for said County.

Section 4. That all laws, general, local or special, in conflict with the provisions of this Act are hereby repealed.

Section 5. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:05 P. M.

Act No. 611

H. 1121—Hocklander, Murphy, Trimmier,
Reynolds (Chambers)

AN ACT

To alter, rearrange and add to the limits of the City of Chickasaw, Alabama and to describe the area added to the said limits of the said City.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Chickasaw are altered, rearranged and extended to include within the corporate limits of said City the land described as follows:

Begin at the intersection of Sections 15, 16, 21 and 22, T3S, R1W, being the NE corner of the City of Chickasaw, Mobile County, Alabama, run thence in a Westerly direction along the Southern Boundary of said Section 16, to the point of beginning of the boundary of tract of land herein described; thence turning on angle of 89 degrees and 16 minutes to the right in a Northerly direction 500 feet, more or less, to intersection with the center line of a slough; thence in a general Eastwardly and Northeasterly direction along and with the meanders of said center line to the point in said center line that is 1,400 feet Northwardly from the South Boundary of said Section 16, measured at right angles to said South Boundary, thence in a Westwardly direction, parallel to and 1,400 feet from the South Boundary of said Section 16, run to the point of intersection with the center line of Eight Mile Creek. Thence in a general southerly direction along and with the meanders of said center line of Eight Mile Creek to intersection with the West Boundary of said Section 16; thence in a Southerly direction along said

West Boundary 725.0 feet, more or less, to the Southwest corner of said Section 16; thence in an Easterly direction along the South Boundary of said Section, to the point of beginning; together with all of the grantor's right, title and interest in and to that certain easement granted to Harold William Adams on April 5, 1954, by W. G. Fain and Emma Lena Fain, his wife, and Max Buchman and Freda R. Buchman, his wife, as shown by instrument recorded in the Probate Court of Mobile County, Alabama.

Section 2. That all laws and parts of laws either general or special in conflict with the provision of this act, be and the same are hereby repealed.

Section 3. That this act shall go into effect upon its approval by the Governor.

Approved November 19, 1959.

Time: 4:06 P. M.

Act No. 612

H. 1119—Hocklander, Murphy, Trimmier,
Reynolds (Chambers)

AN ACT

To alter, rearrange and add to the limits of the City of Chickasaw, Alabama and to describe the area added to the said limits of the said city.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Chickasaw are altered, rearranged and extended to include within the corporate limits of said City the land described as follows:

A. Begin at the southeast corner of the North-East quarter of said Section 20; thence in a westerly direction along the south boundary of said North-East quarter 1317.6 feet, more or less, to intersection with a northerly projection of the east boundary of Fifth Street (now known as Erie Street) as shown by map of the Survey of North Mobile made for the North Mobile Development Company, Inc., by B. F. Bates, Civil Engineer, said map being recorded in the office of the Judge of Probate of Mobile County, Alabama, in Deed Book No. 145 N. S., Pages 252 to 263, inclusive; thence in a northerly direction along said projection of the east boundary of Fifth Street (now known as Erie Street) 835.1 feet, more or less, to the center line of Eight Mile Creek; thence in a northeasterly direction down said center line of Eight Mile Creek to intersection with the east boundary of said Section 20; said intersection being 540 feet, more or less, south of the northeast corner of said Section 20; thence in a southerly direction along said east boundary of Section 20, to

the point of beginning; the above described Tract having an area of 36.63 acres, more or less;

B. Begin at the intersection of the west boundary of Fourth Street (now known as Delaware Street) with the north boundary of Second Avenue as shown by map of the Survey of North Mobile made for the North Mobile Development Company, Inc., by B. F. Bates, Civil Engineer, said map being recorded in the office of the Judge of Probate of Mobile County, Alabama, in Deed Book No. 145 N. S., Pages 252 to 263, inclusive; thence in a northerly direction along said west boundary of Fourth Street (now known as Delaware Street) and a projection thereof 750.0 feet to the point of beginning of boundary of tract of land herein described; thence turning an angle of 90 degrees and 04 minutes and 30 seconds to the right in an easterly direction 450.0 feet to intersection with a northerly projection of the west boundary of Fifth Street (now known as Erie Street) as shown by said map of North Mobile; thence in a northerly direction along said projection of the west boundary of Fifth Street (now known as Erie Street) 1467.6 feet, more or less, to the center line of Eight Mile Creek; thence in a southwesterly direction up the center line of said creek to intersection with said northerly projection of the west boundary of Fourth Street (now known as Delaware Street); thence in a southerly direction along said projection of the west boundary of Fourth Street (now known as Delaware Street) 900.00 feet, more or less, to the point of beginning; the above described Tract having an area of 13.20 acres, more or less;

C. Begin at the intersection of the east boundary of Fourth Street (now known as Delaware Street) with the north boundary of Second Avenue as shown by Map of the Survey of North Mobile, made for the North Mobile Development Company, Inc., by B. F. Bates, Civil Engineer, said map being recorded in the office of the Judge of Probate of Mobile County, Alabama, in Deed Book No. 145 NS, Pages 252 to 263, inclusive: thence in a northerly direction along said east boundary of Fourth Street (now known as Delaware Street) and a northerly projection thereof 700.0 feet; thence turning an angle of 90 degrees and 04 minutes and 30 seconds to the right in an easterly direction along a line parallel with said north boundary of Second Avenue 450.0 feet to intersection with a northerly projection of the east boundary of Fifth Street (now known as Erie Street) as shown by said map of North Mobile; thence turning an angle of 90 degrees and 04 minutes and 30 seconds to the left in a northerly direction along said northerly projection of the east boundary of Fifth Street (now known as Erie Street) 1526.6 feet, more or less, to the center line of Eight Mile Creek; thence in a northerly direction down said center line of Eight Mile Creek to intersection with the east boundary of said Section 20; thence in a northerly direction along said east boundary of Section 20 a

distance of 540.0 feet, more or less, to the southeast corner of said Section 17; thence in a northerly direction along the east boundary of said Section 17 a distance of 1334.4 feet to the northeast corner of the Fractional South-East quarter of South-East quarter of said Section 17; thence turning an angle of 89 degrees and 18 minutes and 30 seconds to the left in a westerly direction along the north boundary of said Fractional South-East quarter of South-East quarter 1113.5 feet to the northeast corner of a tract of land conveyed by Chickasaw Land Company to Leon L. Solomon by deed dated March 22, 1921; thence turning an angle of 90 degrees and 41 minutes and 30 seconds to the left in a southerly direction along the east boundary of said tract of land conveyed by Chickasaw Land Company to Leon L. Solomon 2769.2 feet; thence turning an angle of 90 degrees and 00 minutes to the right in a westerly direction along the south boundary of said tract of land conveyed by Chickasaw Land Company to Leon L. Solomon and a westerly projection thereof 494.5 feet; thence turning an angle of 35 degrees and 51 minutes to the left in a southwesterly direction 1427.4 feet; thence turning an angle of 144 degrees and 06 minutes to the left in an easterly direction 995.4 feet, more or less, to the center line of Eight Mile Creek; thence in a northeasterly direction down said center line of Eight Mile Creek 700.0 feet, more or less, to intersection with a northerly projection of the west boundary of Fifth Street (now known as Erie Street) as shown by said Map of North Mobile; thence in a southerly direction along said projection of the west boundary of Fifth Street (now known as Erie Street) 1467.6 feet, more or less, to intersection with a line 750.0 feet north of and parallel with said north boundary of Second Avenue; thence turning an angle of 90 degrees and 04 minutes and 30 seconds to the right in a westerly direction along said parallel line 450.0 feet to intersection with a northerly projection of the west boundary of said Fourth Street (now known as Delaware Street); thence turning an angle of 90 degrees and 04 minutes and 30 seconds to the left in a southerly direction along said northerly projection of the west boundary of Fourth Street (now known as Delaware Street) 750.0 feet to intersection with said north boundary of Second Avenue; thence turning an angle of 89 degrees and 55 minutes and 30 seconds to the left in an easterly direction along said north boundary of Second Avenue 50.0 feet to the point of beginning:

Section 2. That all laws and parts of laws either general or special in conflict with the provision of this act, be and the same are hereby repealed.

Section 3. That this act shall go into effect upon its approval by the Governor.

Approved November 19, 1959.
Time: 4:07 P. M.

Act No. 613

H. 1100—Sessions, Perry, Morrow, Hawkins,
Rast, Edwards, Locke

AN ACT

To amend Section 440 of Title 37 of the Code of Alabama, 1940, as last amended.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 440 of Title 37 of the Code of Alabama, 1940, as last amended be, and the same hereby is, further amended to read as follows:

440. Salary limited; location of office prescribed.—The Mayor shall have the powers and perform the duties as follows: He shall keep an office in the City or town and shall receive such salary as the council may prescribe which must be fixed by the council not less than six months prior to each general municipal election, not exceeding the following amounts: (1) In cities having twenty-five thousand population or more, not exceeding eight thousand five hundred dollars, and not less than six thousand dollars; (2) in cities having ten thousand and up to twenty-five thousand population, not exceeding seven thousand dollars and not less than five thousand dollars a year; (3) in cities having five thousand and up to ten thousand population, not exceeding five thousand dollars, and not less than two thousand five hundred dollars a year; (4) in cities having less than five thousand population, not exceeding three thousand dollars, and not less than one thousand five hundred dollars a year; (5) in towns not exceeding one thousand five hundred dollars and not less than fifty dollars a year. Provided, however, that in any municipality in any county having a population in excess of six hundred thousand which has elected to operate under the city manager plan and employed a city manager as provided by Article 2, Chapter 8, Title 37, Code of Alabama of 1940, the Mayor shall receive during the term of office to which he is elected or appointed only such salary as the Council may have prescribed and fixed not less than six months prior to the general municipal election next preceding his term of office, and if the Council has not so fixed the salary for said term, the Mayor shall receive no salary for such term of office. Provided, further, that in municipalities which own and operate light and power systems, municipal water systems, municipal sewage systems and municipal gas systems, one or any of them, may, by resolution of the governing body duly entered in its minutes require the mayor to act as superintendent of such system or systems and to give so much of his time thereof as the governing body may direct. Provided, further, that in any municipality in which a municipal board or municipal public corporation owns and operates a municipal light and power system, municipal water system, municipal sewage system and municipal gas system, one

or any of them, such board or municipal public corporation may by resolution duly entered in its minutes employ the mayor to act as superintendent of such system or systems and to give so much of his time thereto as such board or corporation may direct. The mayor as such superintendent of such system or systems shall serve as purchasing agent and make all purchases authorized by the governing body, board or municipal public corporation therefor, for which he shall keep a check or meter readings and bids for service of the system and see that the collections thereof are made. He shall see that the system or systems are kept in proper repair and operation, he shall keep an inventory showing the supplies and equipment on hand for such system or systems, he shall keep a full and complete monthly financial statement of all operation costs and receipts and keep a proper inventory of the fiscal assets of such system or systems and shall handle all such data and information relative to such system or systems available for the governing body, board or municipal public corporation at such times as it shall require but not less frequently than once every three months. For his service as superintendent of such system or systems the mayor shall be paid in addition to the salary now or hereafter provided hereunder such sum as the governing body, board or municipal public corporation shall deem reasonable, but not to exceed two hundred dollars per month, except in cases where the board or municipal corporation requires the fulltime services of the mayor as superintendent of such system or systems, in which event he may be paid not exceeding four hundred dollars per month for such service. The governing body, board of municipal corporation may at any time it deems best dispense with the mayor's service as superintendent. The provisions hereof shall be curative and retroactive and any employment of any mayor as superintendent of any such utility or utilities, heretofore made by any such governing body, board or municipal public corporation and any salary heretofore paid to any mayor by any such governing body, board or municipal corporation for his services as superintendent of such system or systems is hereby validated.

Section 2. All laws or parts of laws in conflict herewith are expressly repealed in so far as they are in conflict with the provisions of this act.

Section 3. Severability. If, for any reason, any clause, sentence, subsection, or section, or provision of this act, or the application thereof to any person, body, situation or circumstance is held invalid or inoperative, the remainder of this act and the application thereof to any other person, body, situation or circumstance will not be affected thereby.

Section 4. This act shall take effect immediately upon its

passage and approval by the governor or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:08 P. M.

Act No. 614

H. 1076—Roberts

AN ACT

To amend Section Two of the Act approved March 23, 1955 (Act No. 8, H. 7, Acts of Alabama 1955, Page 114) relating to the office of Chief Clerk to the Register of the Circuit Court in Equity of Madison County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section Two of the Act approved March 23, 1955 (Act No. 8, H. 7, Acts of Alabama 1955, Page 114) relating to the office of Chief Clerk to the Register of the Circuit Court in Equity of Madison County, Alabama, is hereby amended to read as follows:

"Section 2. The Chief Clerk, so appointed, shall be paid a salary not to exceed Four Thousand and no/100 (\$4,000.00) Dollars to be determined and fixed by the Register of the Circuit Court in Equity of Madison County, Alabama, payable in equal monthly installments."

"Section 5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law."

Approved November 19, 1959.

Time: 4:09 P. M.

Act No. 615

H. 1088—Copeland, Hanby

AN ACT

To abolish the Etowah County Law Library Fund which was created by Act No. 482, H. 1036, approved August 30, 1949; to provide for the transfer of any moneys in such abolished fund to the Etowah County Law Library Fund established pursuant to Act No. 197, H. 596, which became law on August 1, 1955, and to authorize the expenditure of such moneys after being so transferred.

Be It Enacted by the Legislature of Alabama:

Section 1. The Etowah County Law Library Fund, which was created by Act No. 482, H. 1036, approved August 30, 1949 (Acts of Alabama 1949, page 700) is hereby abolished. Any moneys remaining in the county treasury of Etowah County to the credit of such fund shall be transferred by the presiding

judge of the circuit court of Etowah County immediately after this Act becomes effective to the Etowah County Law Library Fund, established pursuant to Act No. 197, H. 596, which became law on August 1, 1955. Thereafter such monies may be expended for the same purposes and in the same manner that the Etowah County Law Library Fund established by said Act No. 197 of 1955 is expended.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.
Time: 4:10 P. M.

Act No. 616

H. 1089—Faulk

AN ACT

To Amend Section 6 of Act No. 393, H. 681, approved July 14, 1931, an act that abolished the county board of education of Geneva County and created in lieu thereof a county board of school commissioners (Local Acts 1931, pages 175, 176), in relation to the compensation of school commissioners.

Be It Enacted by the Legislature of Alabama:

Section 6 of Act No. 393, H. 681, approved July 14, 1931, an act that abolished the county board of education of Geneva County and created in lieu thereof a county board of school commissioners (Local Acts 1931, pages 175, 176), is hereby amended to read as follows:

“Section 6. The powers, duties, and qualifications of the members of said county board of school commissioners shall be the same as now or may be hereafter provided by the general school laws of Alabama. The school commissioners shall each receive from the public school funds of the county fifteen dollars (\$15.00) a day and his actual traveling and hotel expenses incurred in attending meetings of the board, and transacting the business of the board. However, such members shall not be allowed pay for more than twenty-four days in any one year. Their expenses shall be paid in like manner as provided for the payment of the compensation of teachers.”

Approved November 19, 1959.
Time: 4:11 P. M.

Act No. 617

H. 1092—Perry, Sessions, Locke,
Edwards, Morrow, Rast

AN ACT

To provide, with respect to any pension system heretofore or hereafter established for the employees of any city of the state having a population of 300,000 or more according to the last or any subsequent federal census, that if there are numerous members of any such pension system, or if there are numerous beneficiaries under any such pension system, whose several rights to benefits or several claims for benefits are affected by the same question of law, then such of them, one or more, as will fairly insure the adequate representation of all, may upon behalf of all file a class suit against the trustees of the pension system to enforce the benefits in the equity division, or on the equity side of the circuit court, of that judicial circuit wherein the city is situated; to provide that no such class suit shall be instituted unless one of the parties in the original bill of complaint, either personally or through his attorney, files with the secretary of the trustees of the pension system a demand for payment of the benefit claimed, and that no such class suit shall be filed until ninety days have elapsed between the time of the filing of the said claim with said secretary and the filing of the bill of complaint in the circuit court, or until after the trustees of the pension system or the said secretary of the said trustees, or the city attorney, has advised the claimant or the claimant's attorney that the benefit demanded is denied; to provide for the allowance of a solicitor's fee to the solicitor or solicitors prosecuting the class suit subject to the terms, conditions and limitations prescribed in said act; to provide that any such solicitor's fee allowed shall not be charged as costs in the suit and shall not be charged against the city, the trustees of the pension system or against the pension fund, and to provide the funds out of which any such solicitor's fee allowed shall be payable; to provide the factors which shall be taken into consideration in determining the amount of any such solicitor's fee; and to provide that Section 63, Title 46, Code of Alabama of 1940, shall not apply so as to authorize the allowance of any attorney's fee or solicitor's fee in any action or suit involving any such pension system of any such city.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to any pension system heretofore or hereafter established for employees of any city of the state having a population of three hundred thousand or more according to the last or any subsequent federal census. This act shall apply to any such pension system in any such city even though such system was established when the city was of a population less than three hundred thousand.

Section 2. As used in this act the following words shall have the meanings respectively ascribed to them in this Section 2, unless it is clear from the context that a different meaning is intended. "The city" shall mean a city wherein such pension system is established. "Pension system" shall mean a pension system to which this act applies. "Benefit" shall mean any retirement benefit, disability benefit, widow's benefit, or child's benefit provided for by the pension system; and the word benefit shall include any disputed part of a benefit or supplement to a

benefit, in the event there should be a controversy with respect to such part of, or supplement to, a benefit. "Trustees" shall mean the members of the board of trustees or the members of the board of managers in whom the law vests authority to manage, control or operate the pension system. "Members of the pension system" shall mean and include persons who as employees of the city belong to the pension system, retired employees entitled to benefits under the pension system and persons who as widows or as children of deceased employees of the city are entitled to benefits under the system. "Class suit" shall mean a class suit filed in accordance with the terms of this act.

Section 3. If there are numerous members of a pension system whose several rights to benefits or several claims for benefits are affected by a common question of constitutional law, then such of them, one or more, as will fairly insure the adequate representation of all, may upon behalf of all file against the trustees a class suit to enforce the claimed benefits in the equity division, or on the equity side, of the circuit court of that judicial circuit wherein the city is situated, but only after compliance with all of the provisions of this act prescribing what shall be done before such suit is filed.

Section 4. No class suit shall be instituted under this act by any persons unless prior to the institution of such suit one of the parties complainant in the original bill of complaint, either personally or through his or her attorney, shall have filed with the Secretary of the trustees a written or typed demand for payment of the benefit claimed, which said demand shall state specifically what benefit is demanded and the basis of the demand. Nor shall any class suit be instituted under this act until ninety days have elapsed between the filing of the claim with the secretary of the trustees, as aforesaid, and the filing of the bill of complaint in the circuit court; provided, however, that the said bill of complaint may be filed at any time after the trustees have advised, or the secretary of the trustees, or the city attorney, has advised, the claimant or the claimant's attorney, in writing, that the benefit demanded is denied.

No class suit shall be instituted under this act unless every complainant in the original bill of complaint shall, prior to or contemporaneously with filing the bill of complaint, file with the Register of the Circuit Court security for costs in an amount approved by a judge of the Circuit Court, which security for costs may consist of a cash deposit or a bond executed by the complainant or complainants and a surety or sureties approved by the said Register. It is further provided that at any time during the pendency of such class suit the amount of such security for costs shall be increased to such amount as may be required by order of the court on motion of the trustees of the pension system, which increase shall be made within the time specified

in the said order. The complainant or complainants shall be given such notice of any motion to increase the amount of the security as may be provided for by the judge to whom the motion is presented. Upon failure to increase the amount of the security as required by any such order, the suit shall be subject to dismissal.

Section 5. Any such class suit shall not be dismissed or compromised without the approval of the court.

Notice of the proposed dismissal or compromise shall be given to all members of the class or to such members of the class as the court may direct. No such notice shall be given unless the court requires it.

Section 6. Any person who belongs to the class of those whose several rights to benefits or several claims for benefits are affected by the common question of constitutional law involved in the suit shall have the right to intervene in the suit and to be represented therein by a solicitor of his own choice.

The right of intervention hereby accorded shall apply to any person who has any present or contingent interest in the question of constitutional law involved in the class suit, even though such person is still in the active employ of the city.

Section 7. The decision rendered in such class suit shall be operative under the doctrine of res judicata in favor of, or against, all persons whose right to the benefit claimed is affected by the question of constitutional law involved in the suit, including persons still in the active employ of the city and persons whose right, or claimed right, to the benefit is contingent.

Section 8. If the bill of complaint in any class suit brought under this act requests the allowance of a solicitor's fee to the solicitor or solicitors prosecuting the class suit, the court, subject to the conditions and limitations herein stated, may ascertain a reasonable solicitor's fee to be allowed the solicitor or solicitors prosecuting the class suit. In no event shall any solicitor's fee be charged as a part of the costs in the suit, or charged against the city, or against the trustees of the pension system, or against the fund of the said pension system. Any solicitor's fee allowed hereunder shall be payable from, and only from, benefits payable to the members of a class whose right to disputed benefits was established as a consequence of said suit. Any such solicitor's fee allowed under this act shall not be chargeable against, or payable out of, benefits received by any person from the pension system if such person is employed by the city at the time the class suit is instituted. The purpose of the next preceding sentence is to prohibit any solicitor's fee being charged against benefits which may be payable in the future to persons in the employ of the city when the suit is instituted; and it is, therefore, hereby

provided that any person who has been retired for length of service shall not be deemed to be in the employ of the city notwithstanding following his retirement he becomes, and continues to be, a member of a reserve force the members of which are subject to such duties as may be assigned to them.

If the right to a claimed benefit is not established in the suit, no solicitor's fee shall be allowed for litigating the question of the right to such benefit.

In a class suit wherein the court renders a decree the effect of which is to establish the right to a disputed benefit claimed, the court in determining the amount of the fee may take into consideration the fact that the members of the class will receive benefits accruing in the future as well as benefits accrued down to the time of the decree.

In the event more than one solicitor prosecutes the class suit, the court may divide any solicitor's fee allowed between the solicitors so participating on such basis as the court determines is fair and reasonable.

In any such class suit the written statement hereinafter to be made by the city comptroller, or the person holding the office comparable to the office of the city comptroller, may be considered by the court in determining the amount of benefits which members of the class are severally entitled to recover, in the event the court holds that members of the class are entitled to the disputed benefits claimed; and such statement may also be considered by the court in determining the amount of the solicitor's fee, if any, to be allowed. Such statement shall not be construed as any admission by the trustees or the city that members of the class are entitled to any of the disputed benefits claimed; but if the court finds that the members of the class are entitled to the disputed benefits claimed, then such statement shall constitute prima facie evidence that the members of the class are severally entitled to recover the disputed benefits claimed in such amount or amounts as is reflected by the said statement. The said statement shall be signed by the city comptroller, or by the person occupying the office comparable to the office of city comptroller, shall be verified by him under oath, and shall contain such information as will enable the court to determine the amount of benefits which members of the class are severally entitled to recover down to the time of the decree, in the event the court concludes that members of the class are entitled to the disputed benefits claimed.

In the event of an appeal to the Supreme Court of Alabama, the circuit court upon termination of such appeal may, upon motion of the solicitor or solicitors representing the class, allow any additional fee, which is appropriate for services rendered by

the solicitor or solicitors on the appeal to the Supreme Court subject to all the conditions and limitations above stated.

If the court allows any fee hereunder, the court shall provide in its decree allowing such fee that the fee shall be a lien upon benefits of the class whose disputed rights were established by such suit; and the disbursing agent of the pension system, in accordance with the terms of the decree, shall deduct from the benefits payable to the class benefited by said suit the amount required to be deducted by said decree as solicitor's fee, and pay the sums so deducted to the solicitor or solicitors to whom the said solicitor's fee is awarded.

Section 9. No attorney's fee or solicitor's fee shall be allowed by any court under Section 63, Title 46, Code of Alabama of 1940, in any action or suit instituted by any member of any pension system established for the employees of any such city wherein such member of said pension system seeks to recover either for himself or for any class to which he belongs any benefit which such member claims is payable out of the said pension system fund to himself or to the class to which he belongs. The provisions of the sentence next above shall apply to any action or suit instituted by any member of such pension system to recover a benefit for himself or for the class to which he belongs, irrespective of whether such action or suit is a class action or suit within the meaning of this act.

Section 10. If any section, clause or provision of this act shall be held unconstitutional it shall in no wise affect any other section, clause or provision not unconstitutional in itself.

Section 11. This act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:12 P. M.

Act No. 618

H. 991—Sessions, Morrow, Edwards,
Rast, Perry, Locke, Hawkins

AN ACT

To repeal Act No. 430 of the 1957 Regular Session of the Legislature of Alabama, approved September 6, 1957 (Acts of Alabama Regular Session 1957, page 593) entitled "An Act, To Authorize, Regulate and Provide For the payment of supplemental benefits to certain beneficiaries of municipal employees' pension, relief or retirement systems in cities in this state having a population of three hundred thousand or more, according to the last or any subsequent federal decennial census".

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 430 of the 1957 Regular Session of the

Legislature of Alabama, approved September 6, 1957 (Acts of Alabama Regular Session 1957, page 593) entitled:

"An Act, To authorize, regulate and provide for the payment of supplemental benefits to certain beneficiaries of municipal employees' pension, relief or retirement systems in cities in this state having a population of three hundred thousand or more, according to the last or any subsequent federal decennial census"; is hereby repealed.

Approved November 19, 1959.

Time: 4:13 P. M.

Act No. 619

H. 993—Sessions, Morrow, Edwards, Rast,
Perry, Locke, Hawkins

AN ACT

To amend Act No. 502 of the Legislature of Alabama of 1923, approved September 29, 1923, (General Acts of Alabama of 1923, Page 663, et seq.), as re-enacted by Act No. 283 of the Legislature of Alabama of 1943, approved June 28, 1943, (General Acts of Alabama of 1943, Page 241 et seq.), as heretofore amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Purpose of this amendatory Act.

WHEREAS, Act No. 502 of the Legislature of Alabama of 1923, approved September 29, 1923, (General Acts of Alabama of 1923, page 663 et seq.), herein referred to at times as "the 1923 Act", established and provided a retirement and pension system for policemen of cities having a population of as much as 100,000, or more, according to the last or any subsequent federal census; and,

WHEREAS, the 1923 Act provided benefits for disabled policemen and for the widows of policemen; and,

WHEREAS, the 1923 Act provided for the policemen of such cities to retire for service in the Police Departments of such cities and upon their retirement to become members of the reserve forces in the police departments of such cities and as such subject to call to perform such special police duties in their respective cities as may from time to time be assigned to them as members of any such reserve force, and to receive the sum of one hundred dollars, per month, so long as they continue to be members of the reserve force; and,

WHEREAS, as a result of the great increase in the cost of living and the devaluation of the dollar which have occurred since the adoption of the 1923 Act the benefits provided by the 1923 Act for disabled policemen and the widows of policemen are entirely inadequate; and,

WHEREAS, because of the aforesaid inadequacies of the benefits provided for by the 1923 Act many policemen of such cities who are totally and permanently disabled, some of whom were disabled in the actual performance of their duties as policemen, and many widows of the deceased policemen of such cities, some of whom were killed in the actual performance of their duties as policemen, are now in destitute circumstances, and are objects of charity or are likely to become objects of public charity; and,

WHEREAS, the compensation provided by the 1923 Act for members of the reserve force is insufficient to supply members of the reserve force with the necessities of life, and some members of the reserve force are unable to supplement their monthly compensation as members of the reserve force with income from other employment; and,

WHEREAS, it is to the public interest that the said cities provide for the needy widows of policemen who died while in the service of the respective cities and for destitute former policemen who became disabled while in the police departments of such cities, and that such cities pay adequate compensation to the members of the reserve forces of the police departments of such cities;

NOW, THEREFORE, it is hereby declared that the following are the purposes of this amendatory Act: (1) To increase the monthly benefits, to the extent herein provided, in order to alleviate the acute needs of former policemen of the respective cities who belong to the respective pension systems and who became permanently disabled while serving in the police departments of the respective cities and who are now unemployed; (2) to increase the monthly benefits, to the extent herein provided, so as to alleviate the acute needs of the widows of policemen belonging to the respective pension systems, which policemen were either killed in the line of duty, or died as a result of service in the police department, or died after having served in the police department for as much as fifteen years; (3) to increase the monthly compensation payable to members of the reserve forces of the police departments of such cities who are otherwise unemployed.

Section 2. Section 10 of Act No. 502 of the Legislature of Alabama of 1923, approved September 29, 1923 (General Acts of Alabama of 1923, page 663 et seq.), as reenacted by Act No. 283 of the Legislature of Alabama of 1943, approved June 28, 1943 (General Acts of Alabama of 1943, page 241 et seq.), is hereby amended so as to read as follows:

"Section 10. (a) Subject to the provisions of subsection (b) of this Section 10, if any member of the police department of

such city, while in the performance of his duty becomes or be found to be physically or mentally permanently totally disabled for service in such police department, by reason of service therein, said authority referred to in Section 7 of this Act serving said city shall make such orders as may be necessary and thereupon such member shall be paid, monthly from such fund (viz., such policemen's pension and relief fund serving the city by which such member was employed when he was so disabled), respectively, during the existence or continuance of such permanent disability the sum or sums, according to the amount of his usual or regular salary or pay at the commencement of such disability, as is provided in the preceding section. Any such member may be called back and examined at any time under the orders of such authority and may be ordered back to active service, or to other service in connection with the city, as he is able to perform, according to the instructions, findings and orders of such authority referred to.

(b) After the effective date of this subsection (b), any person whose monthly benefit under subsection (a) next above, is less than one hundred twenty-five dollars shall be entitled to a supplemental benefit of such amount not in excess of twenty-five dollars per month as when added to the benefit provided for him in subsection (a), next above, will bring his total benefits under subsection (a) and this subsection (b) to one hundred twenty-five dollars per month; provided, however, that the supplemental benefit shall not be payable for any month in which said person is engaged in any gainful occupation or employment and provided further that no person shall be entitled to such supplemental benefit until it is established to the reasonable satisfaction of the said pension board that he is unable because of physical disability to find suitable employment at a rate of pay equal to the sum of the benefit provided for by subsection (a), next above, and the supplemental benefit provided for by this subsection (b), and payment of said supplemental benefit shall be subject to all of the conditions of subsection (c), below.

(c) The word "Comptroller" as used in this subsection shall mean and include the Comptroller or other officer performing the duties of the City Treasurer. The supplemental benefit provided for by subsection (b), next above, shall not be paid to any person until such person has submitted to the Comptroller such information as may be required by the Comptroller, to establish that the person has the right to receive the same, which information shall be in such form, by affidavit or otherwise, as may be required by the Comptroller. Payment of a supplemental benefit shall not be made for any month more than one month prior to the month in which the claimant files with the Comptroller his claim therefor together with all information required to be filed by the Comptroller, and together

with any affidavit required to be filed by the Comptroller. Provided, however, that once the claimant has established to the Comptroller's reasonable satisfaction his right to the monthly benefit he shall not be required to file any further monthly claim therefor, or to submit any further monthly proof that he is entitled thereto, unless he is directed in writing to do so by the Comptroller.

If a person files with the Comptroller his claim to the supplemental benefit, and submits to the Comptroller such information as is required by the Comptroller in such form as is required by the Comptroller the Pension Board of the City shall allow or disallow the supplemental benefit within sixty days from the date on which there was filed with the Comptroller the said claim and all information required by the Comptroller relating to the said claim. Any person so filing such claim and such information with the Comptroller shall have the right to institute an action or suit for the supplemental benefit at any time after the claim has been disallowed, or at any time after sixty days following the submission of the said claim and the said information to the Comptroller without the claim for the supplemental benefit being allowed; provided, however, that no such action or suit shall be instituted on any claim subsequent to the expiration of five months from the date on which the claim, together with the required information, was submitted to the Comptroller. When a person files with the Comptroller a claim for the supplemental benefit together with such information pertaining to his claim as may be required by the Comptroller and such claim is not allowed, if such person files a suit or action to establish his right to the supplemental benefit, if the Court in which the claim for the benefit is tried determines that the claimant is entitled to the supplemental benefit, the Court in its judgment or decree shall have jurisdiction and authority to award or allow the claimant the supplemental benefit down to the date of the said judgment or decree, if the Court finds that the claimant is entitled to the same down to the date of the judgment or decree; and if the person filing such suit submitted to the Comptroller his claim to the supplemental benefit, together with the required information, for consideration of the claim by the Pension Board, then following the filing of such claim, together with the required information with the Comptroller, such person shall not be required to submit any further claim or claims, or any further information regarding his claim, between the date on which he filed his original claim and the required information and the date on which the decree of judgment is rendered in the suit instituted by him, unless the Comptroller directs him in writing to file an additional claim or to submit additional information. At any time after the original claim is filed, including the time during which any such suit or action is pending, the claimant shall submit to the

Comptroller any additional information required by the Comptroller; and by his failure to do so the claimant shall forfeit his right to the supplemental benefit for any period during which he is in default in submitting such additional information required by the Comptroller.

At least every 12 months, and at any other time required by the Comptroller, any person receiving such supplemental benefit shall submit to the Comptroller in such form as may be required by the Comptroller information showing that such person is entitled to receive the supplemental benefit and was entitled to receive any supplemental benefit theretofore received by him. The said Pension Board shall provide for periodic physical examinations of any person drawing the supplemental benefit provided for by subsection (b), next above, to determine whether or not said person is entitled to such supplemental benefit.

The Comptroller shall have the power and authority to prescribe such questionnaires and other forms and such rules and regulations as may to him seem necessary in order to assure against such supplemental benefit being paid to any person not entitled to receive the same. The Comptroller shall also have the authority to prescribe the form of recital or statement, if any, which shall be printed, typed or stamped on the check or draft drawn in payment of any such supplemental benefit.

In the event any person through misrepresentation, or otherwise, secures payment to himself of the supplemental benefit provided for by subsection (b), above, without being lawfully entitled thereto, the Pension Board shall have authority to direct that all or any part of the benefit payable to said person under subsection (a), above, be withheld until the amount so withheld equals the total amount of the supplemental benefit wrongfully received by such person, plus 6% interest per annum thereon from the wrongful receipt of such supplemental benefit."

Section 3. Section 11 of Act 502 of the Legislature of Alabama of 1923, Approved September 29, 1923 (General Acts of Alabama 1923, page 663 et seq.), as reenacted by Act No. 283 of the Legislature of Alabama of 1943, Approved June 28, 1943 (General Acts of Alabama 1943, page 241 et seq.), is hereby amended so as to read as follows:

"Section 11. (a) Subject to the provisions of subsection (b) below, if any member of the police department of such city shall become and be found to be totally disabled, mentally or physically, for service in such police department, which disability is not found to be directly or indirectly traceable to or caused by reason of service therein, except such disability as may come from or be the result of a venereal disease, or the use of drugs, or of intoxicating liquors, or dissipation, or is wilfully caused

by such member's own voluntary act, such member shall be paid, during the continuance of such disability, from such funds, respectively, an amount equal to one-half of his regular or usual salary or pay at the time of the commencement of his said disability.

(b) After the effective date of this subsection (b), any person whose monthly benefit under subsection (a), next above, is less than one hundred twenty-five dollars shall be entitled to a supplemental benefit of such amount not in excess of twenty-five dollars per month as when added to the benefit provided for him in subsection (a), next above, will bring his total benefits under subsection (a) and this subsection (b) to one hundred twenty-five dollars per month; provided, however, that the supplemental benefit shall not be payable for any month in which said person is engaged in any gainful occupation or employment and provided, further, that no person shall be entitled to such supplemental benefit until it is established to the reasonable satisfaction of the said pension board that he is unable because of physical disability to find suitable employment at a rate of pay equal to the sum of the benefit provided for by subsection (a), next above, and the supplemental benefit provided for by this subsection (b), and payment of said supplemental benefit shall be subject to all of the conditions of subsection (c), below.

(c) The provisions of subsection (c) of Section 10 shall apply to the supplemental benefit provided for by subsection (b) of this Section 11."

Section 4. Section 12 of Act No. 502 of the Legislature of Alabama of 1923, approved September 29, 1923 (General Acts of Alabama of 1923, page 663, et seq.), as reenacted by Act No. 283 of the Legislature of Alabama of 1943, approved June 28, 1943 (General Acts of Alabama of 1943, page 241, et seq.) is hereby amended to read as follows:

"Section 12. (a) The authority mentioned in Section 7 of this act shall by this act have the power to retire from such active service, as by him was usually or regularly performed in such police department, any member thereof who has performed faithful service in such police department for a period of not less than fifteen consecutive years; such members to be and constitute a reserve force or a part or portion of the reserve force, and together with any others assigned thereto under the provisions of this act shall be known as the reserve force of the police department of their cities, respectively, and they shall be on call at all times, and they shall perform special police duties in their respective cities as may from time to time be assigned to them by their chief of police, or under the orders or instructions of the authority mentioned in Section 7 of this act, and all such members so placed upon any such reserve force shall be paid

from such pension fund respectively, the sum of one hundred dollars per month during the time he is a member of such reserve force; provided, however, that after the effective date of said subsection (b), next below, any member of such reserve force who complies with the conditions of subsection (b) shall receive the supplemental benefit provided for therein, during the time he is a member of such reserve force and complies with said subsection (b).

(b) After the effective date of this subsection (b), each member of the said reserve force shall be paid from such pension fund, so long as he remains a member of said reserve force a supplemental benefit of Twenty-five Dollars (\$25.00) per month; provided, however, that such supplemental benefit shall not be payable for any month in which said person is engaged in any gainful occupation or employment and provided, further, that no person shall be entitled to such supplemental benefit until it is established to the reasonable satisfaction of the said pension board that he is unable because of physical disability to find suitable employment at a rate of pay equal to the sum of the benefit provided for by subsection (a), next above, and the supplemental benefit provided for by this subsection (b), and payment of said supplemental benefit shall be subject to all of the conditions of subsection (c), below.

(c) The provisions of subsection (c) of Section 10 shall apply to the supplemental benefit provided for by subsection (b) of this Section 12."

Section 5. Section 13 of Act No. 502 of the Legislature of Alabama of 1923 (General Acts of Alabama of 1923, page 663, et seq.), reenacted by Act No. 283 of the Legislature of Alabama of 1943 (General Acts of Alabama of 1943, page 241, et seq.) is hereby amended to read as follows:

"Section 13. (a) Any member of such police department who has been in the service thereof for as much or as long as twenty-five years, the last five of which are consecutive years service, upon making written application to the authority mentioned in Section 7 of this act shall, without medical examination or disability, be retired from such service in such department as by him was usually or regularly performed and thereupon shall become and be a member of a reserve force in his department, and shall be on call and perform all duties as is set forth and provided for in the preceding section; and he shall be paid monthly from such fund the sum of one hundred dollars during the continuance of his service on such reserve force in the department; provided, however, that after the effective date of said subsection (b), next below, any member of such reserve force who complies with the conditions of subsection (b) shall receive the supplemental benefit provided for therein, during the time

he is a member of such reserve force and complies with said subsection (b).

(b) After the effective date of this subsection (b), each member of the said reserve force shall be paid from such pension fund, so long as he remains a member of said reserve force a supplemental benefit of Twenty-five Dollars (\$25.00) per month; provided, however, that such supplemental benefit shall not be payable for any month in which said person is engaged in any gainful occupation or employment and provided, further, that no person shall be entitled to such supplemental benefit until it is established to the reasonable satisfaction of the said pension board that he is unable because of physical disability to find suitable employment at a rate of pay equal to the sum of the benefit provided for by subsection (a), next above, and the supplemental benefit provided for by this subsection (b), and payment of said supplemental benefit shall be subject to all of the conditions of subsection (c), below.

(c) The provisions of subsection (c) of Section 10 shall apply to the supplemental benefit provided for by subsection (b) of this Section 13."

Section 6. Section 14 of Act No. 502 of the Legislature of Alabama of 1923, approved September 29, 1923 (General Acts of Alabama of 1923, page 663, et seq.), as reenacted by Act No. 283 of the Legislature of Alabama of 1943, Approved June 28, 1943, (General Acts of Alabama of 1943, page 241, et seq.) is hereby amended to read as follows:

"Section 14. (a) If any member of such police department while in the performance of his duty, be killed or dies as the result of any injury received in the line of his duty, or of any disease contracted while a member of such police department, except either directly or indirectly from a venereal disease or from dissipation or from the use of drugs or from the use of intoxicating liquors, or as a result of his own voluntary act, or shall die from any cause whatsoever as the result of his service in such police department and while in such service, or after having served in such police department for fifteen consecutive years or more shall die while in the service, and leave a widow or child or children under the age of fourteen years surviving him, the authority referred to in Section 7 of this act, shall direct and cause the payment from said fund, monthly, to such widow during her natural life, and while unmarried, of thirty dollars, and to each child until it reaches the age of fourteen years, not less than five nor more than ten dollars, which said sum for the benefit of such child or children shall be paid to the mother, if living, monthly, so long as such child or children shall reside with and be supported by her; and if there be child or children and no widow surviving such member then, subject to the ex-

ceptions contained in this section, for each child ten dollars per month to be paid to the person having the custody of each respective child. Should such deceased member leave no widow or children or child, but leave a widowed mother, dependent upon him for support, the said mother shall be paid, subject to the exceptions contained in this section, out of said fund (viz., the policemen's pension and relief fund of the city by which such deceased member was employed at the time of his death), during her natural life and so long as she remains unmarried the sum of thirty dollars monthly. The rate of the benefit hereinabove prescribed in this subsection (a) for a widow of a deceased member of the said pension fund or system shall apply until the effective date of subsection (b), next below; and after the effective date of said subsection (b), the rate of benefit payable to such widow shall be that rate prescribed in said subsection (b).

(b) After the effective date of this subsection (b), the rate of the monthly benefit for the widow of a deceased member of the pension fund or system shall be fifty dollars per month, instead of thirty dollars per month; provided, however, that in order to receive the said benefit of fifty dollars per month, such widow shall meet all of the terms and conditions prescribed by subsection (a), next above."

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; but the first month for which any supplemental allowance shall be payable hereunder shall be the month succeeding that in which this act becomes effective.

Approved November 19, 1959.

Time: 4:14 P. M.

Act No. 620

H. 1002—Oden

AN ACT

To re-establish the County Court of Franklin County in lieu of the Law and Equity Court of Franklin County; abolishing the Law and Equity Court; providing for the transfer of the cases pending therein to the court hereby established or to the circuit court; defining the jurisdiction of the court hereby established; providing it with officers; defining their powers, duties, salaries, compensation, term of office and the manner of their selection, appointment and election; regulating its procedure and process and the return of warrants thereto; and providing for appeals from the court hereby established.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established a county court for Franklin County which shall be in lieu of the Law and Equity Court of Franklin County established by Act No. 404, H. 808, approved September 28, 1923 (Local Acts 1923, pages 272-280), which is hereby abolished. The county court shall have original jurisdiction concurrent with the circuit court of all misdemeanors and all public offenses, except felonies, committed within the county. It shall not be a court of record.

Section 2. The Governor shall appoint a judge for the court hereby established as soon as practicable after this Act becomes law, who shall serve as judge of the court hereby established until the first Monday after the second Tuesday in January, 1961 and until his successor has been elected and has qualified. At the general election in 1960 and every four years thereafter a judge for the county court hereby established shall be elected. The judges so elected shall hold office for a term of four years beginning on the first Monday after the second Tuesday in January after their election. The judge shall be a qualified elector of the county. Before he enters upon the discharge of the duties of his office, he shall take and subscribe to the oath prescribed by law for other judicial officers, which oath must be filed in the office of the clerk of the circuit court. The salary of the judge shall be three thousand six hundred dollars (\$3,600) per annum, which shall be paid in equal monthly installments out of the county treasury on warrant drawn by the officer of said county authorized to draw warrants.

Section 3. The clerk of the circuit court of Franklin County, shall be ex officio clerk of the county court. The fees and compensation of said clerk for the performance of his duties as clerk of the county court shall be the same as is now allowed by law to clerks of the circuit courts in criminal cases, and shall be paid in like manner. The clerk shall, before entering upon the performance of his duties as clerk of the county court, give bond as required by law.

Section 4. The terms of the county court shall be attended by the sheriff or deputy sheriff; or in their absence, some suitable person shall be appointed by the court to act in their stead, whose compensation shall be two dollars (\$2.00) a day, to be paid out of the county treasury.

Section 5. The court reporter for the Law and Equity Court abolished by this Act shall continue as court reporter for the court herein established and shall serve also as secretary and office assistant for the judge of the court. The reporter shall be entitled to receive the compensation payable by the county that is provided for in Act No. 262, H. 464, approved August 23, 1955 (Acts 1955, Regular Session, Vol. I, p. 609).

Section 6. The solicitor of and for the Law and Equity Court shall be the solicitor of and for the court hereby established until the first Monday after the second Tuesday in January 1961 and until his successor has been elected, as hereinafter provided, and has qualified. A solicitor of and for the court hereby established shall be elected at the general election in 1960 and every four years thereafter. The term of office of solicitors so elected shall be four years, commencing on the first Monday after the second Tuesday in January after their election. The solicitor shall be a qualified elector of Franklin County and shall be learned in the law. He shall not, during the time he holds office as such solicitor defend any person charged with a crime in any of the criminal courts of Franklin County. He shall receive a salary of two thousand one hundred dollars (\$2,100) per annum, payable in equal monthly installments out of the county treasury on warrant drawn by the officer of said county authorized to draw warrants.

Section 7. The county court shall be held on the first Monday of every month, or on such other day of every month as the judge of said court may designate, at the county courthouse, and may continue until the business of the court is disposed of.

Section 8. The county court shall be open, at the discretion of the judge, any day during the week, except Sunday, for the trial of cases where the party or parties charged cannot give bond or security for their appearance at the regular terms of said court, or desire an immediate trial, and in such cases, causes may be continued for good cause shown under the regulations governing continuances of causes in justices' courts; but nothing herein contained shall be so construed as to prevent or interfere with the regular terms of the court.

Section 9. All trials or prosecutions instituted in the county court shall be begun upon affidavit and warrant, and shall be tried by the judge without a jury; the judge shall determine both the law and the facts, and in cases of conviction the defendant shall have the right to appeal to the circuit court, where the trial will be de novo and a jury trial may there be had on demand of defendant as prescribed by law.

Section 10. A party aggrieved or desiring to bring a charge of misdemeanor before the county court may apply to the judge or the clerk thereof for a warrant of arrest; and, upon making affidavit in writing that he has probable cause for believing, and does believe, that an offense has been committed in said county, the judge or the clerk of said court shall examine the affiant under oath, and other witnesses, if he so desires, touching the offense charged in the affidavit, and if the judge or the clerk has probable cause for believing that the offense alleged in the affidavit has been committed, he shall issue his warrant of arrest.

The form of warrants of arrest shall be as prescribed in Section 328, Title 13, Code of Alabama (1940). The sheriff or any constable of the county may execute the warrant and bring the defendant before the court, and may also summons the witnesses and serve all other process.

Section 11. The proceedings in the county court shall be governed by the same regulations and be subject to the same limitations as proceedings in county courts in accordance with the general laws of the State relating to county courts and the judges thereof.

Section 12. The Law and Equity Court of Franklin County, established by Act No. 404, H. 808, approved September 28, 1923 (Local Acts of 1923, pages 272-280) is hereby abolished. When this Act becomes law every case pending in the abolished court which is within the jurisdiction of the court hereby established shall be transferred from the docket of the abolished court to the county court, and all other cases now pending in the abolished court shall be transferred from the docket of the abolished court to the circuit court of Franklin County. The cases thus transferred shall proceed in the courts to which they have been transferred, respectively, as though begun therein. The county court hereby established shall have the same power to control judgments rendered by the abolished court, and to issue executions and other processes thereon, in cases coming within the jurisdiction of such county court in all respects as though the judgments had been rendered in the county court; and the circuit court shall have the same power as to judgments rendered by the abolished court in all other cases.

Section 13. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. All laws or parts of laws which conflict with this Act are repealed.

Section 15. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:46 P. M.

Act No. 621

H. 1004—Oden

AN ACT

Relating to Franklin County; fixing the compensation of members of the board of revenue, court of county commissioners, or other like

governing body of Franklin County, and providing for the manner of payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the board of revenue, court of county commissioners, or other like governing body of Franklin County shall receive a salary of one thousand eight hundred dollars (1,800) per annum, payable in equal monthly installments out of the general fund of the county. It is provided, however, that one-half of such compensation, in the discretion of the county governing body, may be paid from monies received from the special county tax levied for public buildings, roads, and bridges.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:47 P. M.

Act No. 622

H. 1005—Oden

AN ACT

To amend further Section 1 of Act No. 201, approved July 13, 1951, entitled "An Act relating to Franklin County; authorizing the sheriff to appoint a deputy sheriff in addition to the deputies heretofore provided by law, fixing his compensation, and providing that the same shall be paid by the county", in relation to the amount of such deputy's compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 201, approved July 13, 1951, entitled "An Act relating to Franklin County; authorizing the sheriff to appoint a deputy sheriff in addition to the deputies heretofore provided by law, fixing his compensation, and providing that the same shall be paid by the county", as amended by an act approved August 5, 1953, is amended further to read as follows:

"Section 1. The Sheriff of Franklin County is hereby authorized to appoint a deputy in addition to the deputies heretofore authorized by law. Such deputy shall be a resident of Franklin County; and he shall be paid a salary of two hundred dollars (\$200) a month. The compensation of such deputy shall be paid by the county out of any funds in the county treasury not otherwise appropriated."

Section 2. This Act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:48 P. M.

Act No. 623

H. 1006—Adams (Tallapoosa), Johnson
(Tallapoosa)

AN ACT

Relating to Tallapoosa County: To impose extra, new and additional duties upon members of the Court of County Commissioners and to provide additional compensation for the performance of such duties.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other duties now imposed upon them by law, the following extra, new and additional duties are hereby imposed upon the members of the Court of County Commissioners of Tallapoosa County.

(a) The Court of County Commissioners shall hold regular meetings during the second and fourth weeks in each month of the year on a day to be determined, from time to time, by it, and at such other times as are now provided by law.

(b) Each member of the Court of County Commissioners shall make periodic inspections of all public roads and bridges in his district, shall superintend the construction and maintenance of all public roads and bridges in his district, and shall make such reports of his activities to the Court of County Commissioners from time to time, as are necessary to keep it informed as to the condition of the public roads and bridges in his district. The commissioners shall, at least once a year, inspect roads and bridges in each of the districts of the county.

Section 2. The probate judge shall assist members of the Court of County Commissioners in the performance of the duties hereby imposed to such extent as may be necessary, but the compensation of the probate judge shall remain as now fixed by law.

Section 3. Each member of the Court of County Commissioners shall receive a salary of three hundred and fifty dollars (\$350) per month, which shall be in lieu of all fees and allowances except mileage, as now allowed by law to commissioners. The additional compensation which the commissioners receive as a result of the provisions of this Act, over and above the compensation now provided by law, is hereby declared to be performance of the extra, new and additional duties hereby imposed upon them.

Section 4. The provisions of this Act are severable. If any part of this Act is declared unconstitutional or invalid, such declaration shall not affect the part which remains.

Section 5. All laws and parts of laws, general, special or local, in conflict with the provisions of this Act are repealed.

Section 6. This Act shall become effective on the first day of the first month following its passage, and approval by the Governor, or its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:49 P. M.

Act No. 624

H. 1019—Locke, Morrow, Sessions, Hawkins,
Edwards, Perry, Rast

AN ACT

To apply in and only in counties in Alabama now having or which may hereafter have a population of 500,000 or more, according to the last or any future federal census; to further provide the manner of entering payment or satisfaction on the margin of the record of the mortgage or deed of trust or other lien; to authorize and empower the Judge of Probate to delegate the authority and power to any clerk of such probate court to enter on the margin of the record the payment or satisfaction of the mortgage, deed of trust, or other lien, where the judge of probate is named in any power of attorney instrument duly recorded, authorizing such entry of satisfaction, and to sign or stamp the name of such judge as attorney in fact to such marginal satisfaction record; and to authorize the collection of a fee of fifty cents for each such entry on the margin of each such document record.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in and only in counties in Alabama now having or which may hereafter have a population of 500,000 or more according to the last or any subsequent federal census. Whenever the judge of probate is named, by name or title, in a power of attorney or like instrument, as attorney in fact to enter on the margin of the record of any mortgage, deed of trust, sales contract, or other lien, the payment or satisfaction thereof, in accordance with the provisions of Article 3 of Chapter 5 of Title 47 of the Code of Alabama of 1940 and in Section 61 of Title 33 of said code, and such power of attorney has been duly recorded in his office, such entry on the margin of such record may be made by any clerk of such probate court designated by the judge of probate either by writing the judge's name or using a facsimile of the judge's signature and signed by such clerk who shall also enter on the margin of such record a reference to the Vol. and Page of the recording of the power of attorney instrument authorizing such entry; and the judge of probate is hereby authorized and empowered to delegate to

such clerk or clerks the authority to make such entry on the margin of such records, and to sign or stamp the name of such judge of probate as attorney in fact, and the entry and satisfaction by such clerk shall be as valid as if done by the judge of probate in person. Nothing herein shall be construed to impose on any such judge of probate the duty to perform the duties of any such attorney in fact under power of attorney authority.

Section 2. For the additional services of entering such payment or satisfaction of the mortgage, deed of trust or other lien, on the margin of the record, by the judge of probate or his duly authorized clerk, a fee of fifty cents, in addition to the recording fees for recording the power of attorney, shall be charged at the time of filing the power of attorney for record, for each such entry on the margin of each such document record, all such fees so collected shall be paid and accounted for in the same manner as other recording fees are paid and accounted for.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:50 P. M.

Act No. 625

H. 1083—Gordon

AN ACT

To provide a salary for the Coroner of Blount County, and to describe the manner of payment thereof: and making this Act effective upon approval of the voters of the county voting at a referendum.

Be It Enacted by the Legislature of Alabama:

Sec. 1. The coroner of Blount County shall be entitled to receive a salary of one hundred dollars (\$100.00) a month payable out of the general fund in the County treasury in the same manner as the salary of county employees are paid.

Sec. 2. All laws or parts of laws which conflict with this Act are repealed.

Sec. 3. The provisions of this Act shall become operative only if approved by a majority of the qualified electors of Blount Co. who vote thereon in a referendum to be held on the date of the first county-wide primary, general, or special election held after the passage of this Act. The governing body of Blount County shall order and provide for the holding of the referendum on such date. On the ballots to be used at such election the question shall be stated substantially as follows:

"Shall the provisions of Act. No. _____ of the 1959 Regular

session of the Legislature, which fixes the compensation of the Coroner of Blount County, be adopted? Yes () No ()."

If a majority of the votes cast in the election are "yes", the provisions of this Act shall become effective immediately. If a majority of "no", this Act shall have no effect. The Judge of Probate of Blount County shall certify the result of the election to the Secretary of State within 30 days after the returns are canvassed.

Approved November 19, 1959.

Time: 2:22 P. M.

Act No. 626

H. 1066—Gordon

AN ACT

To amend Section 2 of Act No. 57, H. 54, approved February 7, 1956 (Acts of Alabama, Special Sessions 1956, p. 86), the act levying a one cent per gallon tax on gasoline, kerosene, and diesel fuel sold, distributed, stored, or used in Blount County, by exempting liquefied petroleum gas, butane, and propane, sold for heating, cooking, and lighting purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 57, H. 54, approved February 7, 1956 (Acts of Alabama, Special Sessions 1956, p. 86), the act levying a tax of one cent per gallon upon the selling, distributing, storing, or withdrawing from storage in Blount County, for any use, gasoline, kerosene, and diesel fuel, is amended to read as follows:

"Section 2. In addition to all other taxes and licenses, there is hereby levied upon every distributor, refiner, retail dealer or storer of gasoline, kerosene, or diesel fuel in Blount County, Alabama, an excise tax of one cent per gallon upon the selling, distributing, storing, or withdrawing from storage in Blount County for any use, gasoline, kerosene, or diesel fuel as defined by this Act. Provided, the tax shall not be levied or paid on the sale of gasoline, kerosene, or diesel fuel in interstate commerce, or to the United States or its agencies, or direct to the State of Alabama, nor shall the tax be levied or paid on liquefied petroleum gas, butane, or propane when sold or delivered for use as a fuel for heating or cooking, or for lighting purposes. When the tax levied herein shall have been paid by a distributor, refiner, retail dealer or storer, such payment shall be sufficient, the intention being that the tax shall be paid but once. The tax shall not be levied or paid on gasoline, kerosene, or diesel fuel which is withdrawn from storage within Blount County for delivery only to a point or points outside the county, when the distributor or seller of such gasoline, kerosene, or diesel fuel

prepares and files with the governing body of Blount County written statements sworn to and subscribed, in such form as may be required by the county governing body, showing the name and address of the person to whom the gasoline, kerosene, or diesel fuel is or has been delivered by the distributor; the volume and kind of such gasoline, kerosene, or diesel fuel; the dates of such withdrawals; and the point or points outside the county to which such gasoline, kerosene, or diesel fuel is delivered or is to be delivered."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 2:01 P. M.

Act No. 627

H. 1029—Turner

AN ACT

To amend further Section 3 of Act No. 199, H. 603, approved July 24, 1947 (Local Acts 1947, p. 113), an act to create and establish in Limestone County a court known as "The Limestone County Court", in relation to the compensation of the judge of the court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 199, H. 603, approved July 24, 1947 (Local Acts 1947, p. 113), an act to create and establish "The Limestone County Court," as amended, is amended further to read as follows:

"Section 3. Judge. (a) A judge of the court herein established shall be elected by the qualified electors of the county at the general election of 1948, and at the general election each four years thereafter. His term shall be for four years from the first Monday after the second Tuesday in January next after his election, and until his successor is elected and qualified. (b) The first judge of the court shall be the person holding office as judge of the court abolished by this Act, and he shall hold office until his successor is elected or appointed and assumes office as provided herein. (c) The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the Constitution of Alabama. He may be removed from office for any cause enumerated in Section 173 of the Constitution and in the manner prescribed by law. No person shall be eligible to the office of judge unless he is at the time of his appointment or election a qualified elector of Limestone County, learned in the law and admitted to the practice of law by the Supreme Court of Alabama, for a period

of at least three years prior to such election or appointment, and over the age of twenty-five years. The judge shall not engage in the practice of law during his term of office; and he shall be subject to the same penalties and obligations as circuit judges. Any vacancy occurring in the office of judge shall be filled by appointment as provided in Section 158 of the Constitution. (d) The judge shall receive an annual salary, payable out of the general fund of the county in equal monthly installments as the salaries of other county officers are paid, which shall be governed by the gross assessed valuation of property, real and personal, tangible and intangible, in Limestone County, as shown by the records of the Tax Assessor of Limestone County, as follows: When the tax assessor's records show that the gross assessed valuation of such property for the tax year ending on the thirtieth day of September of any year was less than eleven million dollars (\$11,000,000) the salary of the judge for the year beginning on the first day of the next January shall be three thousand six hundred dollars (\$3,600); when these records show the gross assessed valuation is eleven million dollars (\$11,000,000) or more but less than eleven million two hundred and fifty thousand dollars (\$11,250,000) the salary of the judge for the year beginning on the first day of the next January shall be three thousand eight hundred dollars (\$3,800); when these records show the gross assessed valuation is eleven million two hundred fifty thousand dollars (\$11,250,000) or more but less than eleven million five hundred thousand dollars (\$11,500,000) the salary of the judge for the year beginning on the first day of the next January shall be four thousand dollars (\$4,000) when these records show the gross assessed valuation is eleven million five hundred thousand dollars (\$11,500,000) or more but less than twelve million dollars (\$12,000,000) the salary of the judge for the year beginning on the first day of the next January shall be four thousand two hundred dollars (\$4,200); when these records show the gross assessed valuation is twelve million dollars (\$12,000,000) or more but less than twelve million five hundred thousand dollars (\$12,500,000) the salary of the judge for the year beginning on the first day of the next January shall be four thousand eight hundred dollars (\$4,800); when these records show the gross assessed valuation is twelve million five hundred thousand dollars (\$12,500,000) or more but less than thirteen million dollars (\$13,000,000) the salary of the judge for the year beginning on the first day of the next January shall be five thousand four hundred dollars (\$5,400); when these records show the gross assessed valuation is thirteen million dollars (\$13,000,000) or more but less than thirteen million five hundred thousand dollars (\$13,500,000) the salary of the judge for the year beginning on the first day of the next January shall be six thousand dollars (\$6,000); when these records show the gross assessed valuation is thirteen million five hundred thousand

dollars (\$13,500,000) or more but less than fourteen million dollars (\$14,000,000) the salary of the judge for the year beginning on the first day of the next January shall be six thousand five hundred dollars (\$6,500); and when these records show the gross assessed valuation is fourteen million dollars (\$14,000,000) or more the annual salary of the judge for the succeeding calendar years shall be seven thousand dollars (\$7,000).

(e) The judge shall have authority to: 1) grant writs of habeas corpus, certiorari, supersedeas, quo warranto, mandamus, and all other remedial and original writs which are grantable by the circuit judges; 2) grant writs of injunction and ne exeat; 3) administer oaths and take acknowledgments; 4) exercise such other powers, jurisdiction or authority as may be conferred by law upon circuit judges, judges of juvenile or county courts, and justices of the peace, except as otherwise provided herein.

(f) The judge shall keep an office in the county courthouse. His office shall be suitably equipped, furnished and provided, at the expense of the county, with such office supplies and stationery, stamps, furniture, fixtures, telephone and other facilities as may be necessary for the transaction of the business of the court. (g) In the event the judge is disqualified or unable to act, a special judge shall be appointed as provided by Section 160 of the Constitution and Section 124 of Title 13 of the 1940 Code, who shall be paid five dollars for each day or fraction thereof that he serves, out of the general fund of the county."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 2:23 P. M.

Act No. 628

H. 1013—Bishop

AN ACT

To amend further Section 5 of Act No. 32, H. 162, approved June 27, 1947 (Local Acts of Alabama, 1947, p. 25), entitled "An Act To establish a Law and Equity Court for Colbert County, Alabama; to define its jurisdiction and powers; to provide for its officers, their appointment, election, terms of office, powers, duties and compensations; to provide that said court shall be open at all times for the trial of causes and transaction of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court, County Court, Probate Court, and the Juvenile Court; and to give the said court juvenile and domestic jurisdiction; and to abolish the County Court of Colbert County, Alabama," by providing further for the compensation of the judge of the Colbert Law and Equity Court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 32, H. 162, approved June 27, 1947 (Local Acts of Alabama, 1947, p. 25), as amended, entitled "An Act To establish a Law and Equity Court for Colbert County, Alabama; to define its jurisdiction and powers; to provide for its officers, their appointment, election, terms of office, powers, duties and compensations; to provide that said court shall be open at all times for the trial of causes and transaction of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court, County Court, Probate Court, and the Juvenile Court; and to give the said court juvenile and domestic jurisdiction; and to abolish the County Court of Colbert County, Alabama," is amended further to read as follows:

"Section 5. The judge of the Colbert Law and Equity Court shall receive a salary of nine thousand five hundred dollars (\$9,500) per annum, payable in equal monthly installments out of the county treasury at the end of each month, his signed receipt being required."

Section 2. The provisions of this Act shall become operative only if approved by a majority of the qualified electors of Colbert County, voting in a referendum to be held on the date of the first county-wide primary, general, or special election held after the passage of this Act. The governing body of Colbert County shall order and provide for the holding of the referendum on such date. On the ballots to be used at the election, the question shall be stated substantially as follows: "Shall the provisions of Act No. _____ of the 1959 Regular Session of the Legislature, which fixes the compensation of the judge of the Colbert Law and Equity Court, be adopted? Yes () No ()." If a majority of the votes cast in the election are "Yes," the provisions of this Act shall become effective upon the expiration of the term of the incumbent judge of the Colbert Law and Equity Court in accordance with the provisions of Amendment XCII of the Constitution of Alabama. If the majority are "No," this Act shall have no effect. The judge of probate of Colbert County shall certify the results of the election to the Secretary of State within 30 days after the returns thereof are canvassed.

Approved November 19, 1959.

Time: 2:24 P. M.

Act No. 629

H. 1027—Turner

AN ACT

To amend further Section 3 of Act No. 355, H. 757, approved August 17, 1953 (Acts 1953, p. 423), an act fixing the compensation of the

sheriff of Limestone County and providing for the appointment of deputies and assistants, in relation to the number of deputies and jailers to be appointed by the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 355, H. 757, approved August 17, 1953 (Acts 1953, p. 423), an act fixing the compensation of the sheriff of Limestone County and providing for the appointment of deputies and assistants, as amended, is amended further to read as follows:

"Section 3. The sheriff may appoint a chief deputy and two other deputies and two jailers, whose salaries shall be fixed by the sheriff. The jailers shall be appointed to serve as jailers or bailiffs and shall not be engaged in law enforcement work. The chief deputy shall receive a salary of not less than one thousand eight hundred dollars (\$1,800) nor more than three thousand six hundred dollars (\$3,600) per annum. Each of the other deputies and the jailers shall receive a salary of not less than one thousand five hundred dollars (\$1,500) nor more than three thousand three hundred dollars (\$3,300) per annum. The sheriff may also appoint a clerk, who shall be employed three working days each week, and shall receive a salary of two thousand one hundred dollars (\$2,100) per annum. All of the salaries provided for herein shall be paid by the county in equal monthly installments as salaries of other county employees are paid."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 2:25 P. M.

Act No. 630

H. J. R. 109—Long (Perry)

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the bill H. B. 102, which has passed both Houses be designated and known as "The Gilchrist-Roberts (Madison) Bill."

Approved November 19, 1959.

Time: 2:26 P. M.

Act No. 631

H. 719—Trimmier, Hocklander

AN ACT

Relating to the City of Mobile; to provide for a separate Mobile Urban Renewal Agency to plan or carry out any redevelopment or

urban renewal project in such municipality if the governing body of the municipality by resolution declares that there is need for such Agency; to provide the number, method of appointment and terms of office of the commissioners of said Mobile Urban Renewal Agency; to provide the powers of said Mobile Urban Renewal Agency; to provide that such Urban Renewal Agency shall not have authority to construct or operate any dwelling accommodations except that it may temporarily operate dwellings and real property acquired in a project area pending disposition; to provide that any existing municipal housing authority of said City shall not, after appointment of the Commissioners of said Mobile Urban Renewal Agency, have power to plan or carry out any redevelopment project or urban renewal project except as stated in this Act; to provide for the transfer of all assets and liabilities in connection with an existing project which is taken over by said Mobile Urban Renewal Agency; to supplement Title 25 of the Code of Alabama of 1940, relating to Housing as amended and supplemented by any Acts of the Legislature of Alabama heretofore enacted, including the following: Act No. 614 of the General Acts of 1939, approved July 10, 1940; Act No. 466 of the General Acts of 1943, approved July 7, 1943; Act No. 541 of the General Acts of 1943, approved July 7, 1943; Act No. 490 of the General Acts of 1949 approved August 30, 1949; Act No. 491 of the General Acts of 1949, approved August 30, 1949; Act No. 193 of the General Acts of 1951, approved July 9, 1951; Act No. 776 of the General Acts of 1951, approved September 11, 1951; Act No. 590 of the General Acts of 1953, approved September 11, 1953; Act No. 553 of the General Acts of 1955 approved September 9, 1955; Act No. 554 of the General Acts of 1955, approved September 9, 1955; to repeal any act or law inconsistent herewith; and to provide that if any portion of this act is held unconstitutional, such holding shall not affect the other parts thereof:

Be It Enacted by the Legislature of Alabama:

Section 1: If the governing body of the City of Mobile (hereinafter called City) by resolution declares that there is need for a separate authority to plan and carry out redevelopment projects and urban renewal projects as defined by Act No. 491 of the Acts of the Legislature of 1949, page 713, approved August 30, 1949, and Act No. 553 of the Acts of the Legislature of 1955, page 1213, approved September 9, 1955, respectively, a public body corporate and politic shall exist in such city and shall be known as the Mobile Urban Renewal Agency (hereinafter called Agency).

Section 2: The Agency shall consist of seven (7) commissioners appointed by the governing body of the City, none of whom may be members of such governing body or of the Mobile Housing Board. The commissioners shall elect from among their number a chairman. Two of the commissioners who are first appointed shall be designated by the governing body of the City to serve for terms of four (4) years, two for five (5) years, two for six (6) years, and one for seven (7) years, respectively, from the date of their appointment. Thereafter the term of office shall be four (4) years.

Section 3: Except as specifically provided herein, said Agency shall in all respects be an "Authority" as defined by Title 25 of

the Code of Alabama of 1940, and shall have all the powers given to any such authority by any provisions of said Title 25 of the Code of Alabama of 1940, as amended and supplemented by any Acts of the Legislature, heretofore or hereafter enacted, including the following: Act No. 614 of the General Acts of 1939, approved July 10, 1940; Act No. 466 of the General Acts of 1943, approved July 7, 1943; Act No. 541 of the General Acts of 1943, approved July 7, 1943; Act No. 490 of the General Acts of 1949, approved August 30, 1949; Act No. 491 of the General Acts of 1949, approved August 30, 1949; Act No. 193 of the General Acts of 1951, approved July 9, 1951; Act No. 776 of the General Acts of 1951, approved September 11, 1951; Act No. 590 of the General Acts of 1953, approved September 11, 1953; Act No. 553 of the General Acts of 1955, approved September 9, 1955; Act No. 554 of the General Acts of 1955, approved September 9, 1955; and all provisions of said Title 25, as amended or supplemented by any of the Acts referred to above, or by any other Acts of the Legislature of Alabama heretofore or hereafter enacted amending or supplementing the said Title 25, shall apply to said Agency.

Provided, however, said Agency shall not have authority to construct or operate any dwelling accommodations, except that it may temporarily operate and maintain for such uses and purposes as may be desirable, dwelling accommodations and real property acquired by it in a redevelopment or urban renewal area for or in connection with a redevelopment or urban renewal project, pending the disposition of the dwelling accommodations and property for uses in conformity with the redevelopment or urban renewal plan.

Section 4: After the governing body of the City has appointed the commissioners of the said Agency, any existing municipal housing authority of the City (hereinafter called the Housing Board) shall no longer have power to plan, undertake or carry out any redevelopment project or urban renewal project; provided that this section shall not apply to any redevelopment or urban renewal project with respect to which bonds, notes or evidences of indebtedness have been issued by said Housing Board prior to the appointment of said commissioners, unless all holders of any such bonds, notes, or evidences of indebtedness of said Housing Board outstanding with respect to such project, have consented in writing to the substitution of said Agency for said Housing Board on all such bonds, notes, or evidences of indebtedness.

Section 5: After the governing body of the City has appointed the commissioners of said Agency, such Agency shall thereafter have sole power to plan, undertake and carry out any redevelopment project or urban renewal project in the City,

except for any such project as comes within the proviso of Section 4 of this Act, which projects, if any, may continue to be carried out by the Housing Board under the provisions of said Section 4. Where projects initiated by said Housing Board are to be carried out by the Agency, all rights, contracts, agreements, obligations, liabilities, assets, and property, real and personal, of said Housing Board in connection with such projects shall vest in and be in the name of said Agency, and all obligations of said Housing Board and all rights and remedies in connection with such projects against said Housing Board may be asserted, enforced and prosecuted against said Agency, to the same extent as they might have been asserted, enforced and prosecuted against said Board.

Section 6: All laws or parts of laws which conflict with this Act are repealed.

Section 7: Should any section, provision or part of this Act be declared unconstitutional or void by any court of competent jurisdiction, it shall not affect the validity of the remaining sections, provisions or parts of this Act.

Section 8: This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 2:26 P. M.

Act No. 632

H. 466—Cornett, Hocklander, Murphy,
Hanby

AN ACT

Relating to seafoods; providing for owners of private oyster reefs, beds or bottoms, or lessees thereof, to use mechanical devices, including mechanical rake dredges, at any time, to cultivate and harvest or to remove their live oysters, under certain prescribed conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. Owners of private oyster reefs, beds, or bottoms, and the lessees of such reefs, beds or bottoms, may use any mechanical means at their disposal and at any time between the hours of sunrise and sunset, including the use of mechanical rake dredges, to cultivate and harvest, or remove live oysters of any size upon or from such grounds. But such a person shall first obtain a dredge license as provided in Section 140 of Title 8, Code of Alabama 1940, as heretofore or hereafter amended, which the director of conservation shall issue if the applicant pays the required fee and posts bond payable to the state department of conservation, in the penal sum of one thousand dol-

lars, conditioned upon his faithful and strict observance of all statutes and regulations relating to the use of such mechanical devices in taking live oysters; provided, such license may be revoked by the director of conservation if any condition of the bond is breached, and the director may thereafter refuse to issue a new license to such person.

Section 2. Such persons operating a private oyster reef, bed or bottom, and in so doing utilizing seed oysters obtained from public reefs, beds or bottoms so designated by the department of conservation, shall be subject to the same laws and regulations as to size controlling the taking of oysters from public reefs, beds or bottoms. Said person engaged in such operations shall file with the department of conservation through its seafood division notice to said department of the location and disposition of said seed oysters on the person's private reef, bed or bottom, and shall conform to all other regulations as specifically prescribed by law or regulation.

Section 3. Should private individuals, companies or corporations desire to purchase seed oysters from the public reefs, beds or bottoms they may do so by paying to the department of conservation the prescribed tax as set by law. Upon purchase of seed oysters by said individual, company or corporation, and upon submission of accurate records as to the location or site of planting of said oysters, the operator of said oyster bed, reef or bottom may operate said reef, bed or bottom in conformance with section one of this act. The Department of Conservation shall, however, not sell to said individual, company or corporation, additional seed oysters taken from public reefs, beds or bottoms for a period of not less than three (3) calendar years, for replanting said individuals private reefs, beds or bottoms where subject seed oysters have been planted under the conditions set forth in this section.

Section 4. The taking of live oysters by means of rake dredges as provided for in this Act shall be under the supervision of the director of conservation and all rights granted to any person, firm or corporation by the provisions of this act may be exercised only after written notice shall have been given in each instance to the Division of Seafoods by the person, firm or corporation desiring to use rake dredges as provided herein.

Section 5. Should the private individual, firm or corporation operating under the conditions set forth in section 3, or any of the permittees of said individual, firm or corporation, be found guilty of harvesting undersize oysters as provided for by regulations governing the harvesting of oysters from public beds, bottoms or reefs, on any beds, bottoms or reefs belonging to another individual, firm or corporation or on a public reef, bottom or bed, the conditions and privileges set forth in section 3 of this

act shall be voided and withdrawn to said individual, firm or corporation and shall not be renewed for a period of one (1) calendar year from the date of conviction of said individual, firm or corporation or any of its permittees.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:39 P. M.

Act No. 633

H. 717—Roberts, Reynolds (Madison)

AN ACT

To amend Act No. 653, H. 489, entitled "An Act To regulate the teaching and practice of cosmetology; requiring the registration and licensing of cosmetologist and cosmetologists' apprentices, and schools of cosmetology, creating for the administration of this Act a State Board of Cosmetology, and defining violation of this Act and prescribing penalties therefor," approved September 20, 1957 (Acts of Alabama 1957, page 981).

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1, 4, 6, 9, 10, 17, and 25 of Act No. 653, H. 489, Regular Session 1957, approved September 20, 1957, an act to regulate the teaching and practice of cosmetology (Acts of Alabama 1957, Vol. II, pp. 981-995), are hereby amended to read as follows:

"Section 1. (a) 'Cosmetology' as used in this Act is hereby defined to mean any one and/or combination of practices generally and usually, heretofore and hereafter performed by, and known as the profession of Beauty Culturists, or Cosmeticians, or Cosmetologists, or Hairdressers, or of any other person holding him or herself out as practicing Cosmetology by whatever designation and within the meaning of this Act and in/and upon whatever place or premises; and in particular Cosmetology shall be defined and shall include—but otherwise not be limited thereby—the following or any one or a combination of practices, to-wit: Arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work, upon the hair of any person by any means, and/or with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or otherwise, massaging, cleansing, stimulating, manipulating, exercising, beautifying, or similar work, the scalp, face, neck, arms, hands, bust, or upper part of the body, or manicuring the nails of any person.

"(b) 'Cosmetologist' shall mean any person not an appren-

tice or student, following or practicing cosmetology on members of the general public for compensation, not owning or managing a beauty shop or school of cosmetology, and who shall have the qualifications hereinafter provided for a cosmetologist.

“(c) ‘Managing Cosmetologist’ shall mean a cosmetologist who manages or conducts a beauty shop or school of cosmetology.

“(d) ‘Manicurist’ shall mean any person who engages only in the practice of manicuring the nails of any person.

“(e) ‘Apprentice’ shall mean any person who is engaged in the learning or acquiring of any or all the practices of cosmetology and while so learning, performs or assists in any of the practices of cosmetology in a shop registered or licensed under this Act.

“(f) ‘Student’ shall mean any person who is engaged in the learning or acquiring of any or all the practices of cosmetology and while so learning, performs or assists in any of the practices of cosmetology in a school registered or licensed under this Act under the instruction or immediate supervision of an instructor, licensed as such under this Act.

“(g) ‘Instructor’ shall mean any person who is a cosmetologist and who teaches cosmetology or any practices thereof in a duly registered school of cosmetology, provided, however, that nothing contained herein shall apply to any instructor employed by a teacher in a school or class executed by a public school board of education.

“(h) ‘Student Instructor’ shall mean a cosmetologist who is receiving instructions in teacher’s training in a duly registered school of cosmetology.

“(i) ‘Beauty Shop’ shall mean any place or part thereof, wherein or whereupon cosmetology or any of its practices are followed, whether such place is known or designated as a cosmetician, cosmetological or beauty shop or establishment or whether the person practicing cosmetology therein holds himself out as a cosmetician, cosmetologist or beauty culturist, or by any other name or designation indicating that cosmetology is practiced therein.

“(j) ‘School of Cosmetology’ shall mean any place or part thereof, wherein or whereupon cosmetology or any of its practices are taught, whether such place or establishment is known or designated as a cosmetician, cosmetological or beauty culture school or establishment, or by any other name or designation, indicating that cosmetology is taught therein to students, provided, however, that nothing contained herein shall apply to any school or class operated by a public school board of education.

"(k) 'Place of Cosmetology' for the purpose of this Act, shall mean such place wherein or whereupon cosmetology is practiced on the members of the general public for compensation; and such place wherein or whereupon cosmetology is taught to students shall hereinafter be considered as a school of cosmetology; provided, however, that any appropriate name herein mentioned may be used for either such beauty shop or for such school of cosmetology, respectively but such name shall be displayed upon or over the entrance door or doors of such place designating it as a beauty shop or school of cosmetology as the case may be, within the meaning of this Act. Either of such establishments shall be entirely distinct and separated from any living quarters, but may be housed under the same roof. If a beauty shop is conducted in a home in a zone or district in a municipality in which the display of such name is forbidden by municipal ordinance or by other duly adopted zoning rule or regulation, signs designating the beauty shop or school of cosmetology may be omitted. Any shop in operation on the effective date of this Act, upon proof that sanitary measures are being complied with, shall be exempt from the provisions of this subsection, provided that such exemption shall not apply if the ownership or location of the shop is changed. Provided, that any place of cosmetology shall have six months from the effective date of this Act or any amendment thereof to meet the requirements of this subsection.

"(l) 'Board' as that term shall be used in this Act shall mean and refer to the Alabama Board of Cosmetology, as hereinafter provided for.

"Section 4. There is hereby created the Alabama Board of Cosmetology, to consist of five persons, citizens of this State for at least five (5) years prior to their appointment, for the purpose of carrying out and enforcing the provisions of this Act. Such Board shall be appointed by the Governor and no two Board members shall be residents of the same congressional district of the State of Alabama. The members of the Board shall be at least twenty-five (25) years of age, must have had at least five (5) years practical experience in the majority of the practices of cosmetology. One member shall be appointed for a term of one (1) year, one member for a term of two (2) years, one member for a term of three (3) years, one member for a term of four (4) years, and one member for a term of five (5) years, and until their successors are appointed and qualified. After the effective date of this amendatory Act, however, two additional members of the Board shall be appointed by the Governor, one for a term of four years and one for a term of five years. Thereafter, members shall be appointed for terms of five years, including members who heretofore have been re-appointed for lesser terms. Vacancies on the Board shall be

filled by the Governor. Only one member of the Board shall be a member of or affiliated with a school of cosmetology. Said Board may do all things necessary and convenient for enforcing the provisions of this Act. The Board may from time to time promulgate necessary rules and regulations compatible with the provisions of this Act. Any Board member may be removed by the Governor for just cause.

"The Board shall publish all its rules and regulations, together with a copy of this Act and its amendments, and distribute the same to all licensees affected by the same. Amendments and changes in said rules and regulations shall likewise be published by the Board and distributed to the licensees hereunder. The rules and regulations so published and distributed must be retained in each shop or school licensed by the Board and must be available at all times to personnel in each shop or school and available to the general public where interest is manifested.

"Section 6. Each Board member shall receive fifteen dollars (\$15) per diem while engaged in the discharge of his or her official duties, and necessary expenses incurred therein, not to exceed ten dollars (\$10) per day, plus nine cents a mile for necessary travel involved in such official duties. The members' compensation, and other expenses authorized by this Act, shall be paid from the funds derived from the operation of this Act, and held in the State Treasury to the use of the Board, on requisitions signed by the President and Treasurer of the Board, and on warrant of the State Comptroller. Any money remaining in this fund at the end of each fiscal year in excess of ten thousand dollars shall be transferred to the general fund in the State Treasury.

"Section 9. No person shall be admitted to examination or receive a license under this Act, except as otherwise provided for in this Act, unless such person shall possess the following qualifications:

"(a) Cosmetologist—Except as otherwise provided for in this Act, no person may be licensed as a cosmetologist in any one or combination of the practices of cosmetology under this Act, unless such person shall pay the original licensing fee as hereinafter provided for, and have an education equivalent to the completion of eight grades in school and shall have served and completed the required time and studies as follows:

"1. For a complete course of cosmetology, consisting of all or the majority of practices thereof in a school of cosmetology, of at least 1000 hours of continuous training not to exceed more than eight (8) hours in any one day;

"2. Or as an apprentice in a beauty shop for a period of not less than two thousand (2,000) hours over a minimum period of

one (1) year of training not to exceed more than eight (8) hours in any one day; or, in either event,

"3. Shall have passed an examination to the satisfaction of the Board as provided in this Act.

"(b) Manicurist—Except as otherwise provided for in this Act, no manicurist may be licensed as such unless such person shall pay the original licensing fee as hereinafter provided for and shall have completed a course of training of not less than three hundred (300) hours in a school of cosmetology, or shall have served as an apprentice in a beauty shop for a period of not less than three hundred (300) hours and a minimum period of four (4) months continuous training not to exceed more than eight (8) hours in any one day, and shall have passed an examination to the satisfaction of the Board as provided for in this Act.

"(c) Managing Cosmetologist—Except as otherwise provided for in this Act, no person may be licensed as a managing cosmetologist, unless such person shall pay the original licensing fee as hereinafter provided for, and shall be a licensed cosmetologist, and has served as such in a registered beauty shop for a period of not less than two years prior to such application for a license as managing cosmetologist.

"(d) Apprentices—Apprentices in cosmetology shall be registered upon the payment of the original fee as hereinafter provided for, payable upon the commencement of the apprenticeship in a duly registered beauty shop. Such apprentice shall be at least sixteen (16) years of age at the time of such registration. Provided, that any beauty shop that shall take an apprentice shall immediately file with the Board the name and age of such apprentice, and the Board shall cause the same to be entered in a registry kept for that purpose.

"(e) Students—Students in cosmetology shall be registered by the Board without fee, upon enrollment in a registered school of cosmetology, and upon certification by such school of such enrollment. A student shall be at least sixteen (16) years of age at the time of such registration. Provided, that any school of cosmetology that shall enroll such a student shall immediately file with the Board the name and age of such student, and the Board shall cause the same to be entered in a registry kept for that purpose.

"(f) Instructors—Except as otherwise provided in this Act, no person may be licensed as an instructor in any one or combination of the practices of cosmetology unless such person shall pay the original licensing fee as hereinafter provided for, and shall hold a license as a cosmetologist issued to him pursuant to paragraph (a) in Section 9 hereinabove, and in addition,

"1. Shall have at least six (6) months teacher's training course in cosmetology in a registered school of cosmetology, provided that in no event shall more than nine (9) months teacher's training be required for admission to examination; or

"2. Shall have at least one (1) year experience as an active practicing cosmetologist and supplemented by not less than three (3) months teacher's training in cosmetology in a registered school of cosmetology, provided that in no event shall more than five (5) months teacher's training be requisite for admission for examination.

"No instructor or student instructor shall be permitted to practice cosmetology on the public other than such practical work as shall pertain directly to the teaching of practical subjects to students.

"(g) Student Instructors—Student instructors in cosmetology shall be registered as such without fee, upon enrollment in a registered school of cosmetology, and upon certification by such school to the Board of such enrollment. A student instructor at the time of such enrollment shall hold a license as a cosmetologist. Upon the completion of the course prescribed by this Act for a student instructor, said student instructor may make application on a form provided by the Board and pay the examination fee as hereinafter provided for. Said Board shall thereupon cause such applicant to be examined for an instructor's certificate, said examination to be given by the Board. Upon such applicant's successfully passing said examination and the payment of the original licensing fee of an instructor as hereinafter provided for said Board shall issue and give an instructor's certificate. Provided that any school of cosmetology that shall enroll any person as a student instructor shall immediately file with the Board the name and age of such student, his qualifications qualifying him for such course as herein provided and the Board shall cause the same to be entered in a register kept for that purpose.

"The sufficiency of the qualifications of applicants for admission to the examinations or for licensing as herein provided for shall be determined by the Board, subject to such provisions as the Board shall make.

"Persons duly registered under any limited or unlimited medical practice laws or lecturers upon subjects not directly appertaining to cosmetology, need not be holders of cosmetologists' certificates as provided for in this Act, nor need such persons have the required training in cosmetology, and they shall otherwise be exempt from the provisions of this Act.

"Section 10. (a) It shall be necessary for any person, firm, corporation or association to apply to the Board for a certificate

of registration as a registered beauty shop or school of cosmetology, within the meaning of this Act, said application to be upon a form prescribed by the Board, and shall be accompanied by the payment of the original registration fee, as herein after provided for. Any beauty shop or school of cosmetology shall after the effective date of this Act fully comply with all the provisions of the Act applicable thereto, and with all the rules and regulations promulgated by the Board as hereinafter provided.

“(b) No beauty shop shall accept an apprentice unless such beauty shop be in charge of a managing cosmetologist licensed as such. Provided, further, that such shop may register one additional apprentice for each three additional licensed cosmetologists attached to its staff. In addition, such shop shall possess the necessary apparatus and equipment for the proper instruction in all subjects for the practices for which a license is required under this Act, and shall maintain a daily record of the attendance of such apprentice or apprentices, together with the number of hours of apprenticeship, and shall certify to the Board upon termination of such apprenticeship, the credits earned. Such instruction shall require the necessary training for a complete course comprising all or the majority of the practices of cosmetology as provided in Section 9, Paragraphs a and b of this Act and such course shall include practical demonstrations and theoretical studies and studies in sanitation, sterilization, and other safety measures, and the use of antiseptics, cosmetics and electrical appliances, consistent with the practical and theoretical requirements as applicable to cosmetology, as provided for in this Act.

“(c) Any person, firm or corporation teaching any or all of the practices of cosmetology, shall be required to comply with all provisions applicable to schools of cosmetology or to beauty shops having apprentices and any and all rules which may be promulgated by the Board. No school of cosmetology or beauty shop shall operate within this State unless a proper certificate of registration under this Act has first been obtained. The practice of cosmetology shall not be followed in this State except in a duly registered beauty shop or school of cosmetology except for educational purposes.

“Section 17. (a) The Board shall have authority to employ inspectors, and to employ and fix the compensation of such regular or special counsel, clerks and other assistants as it may deem necessary in order to carry out the provisions of this chapter, subject, however, to the limitation that the number of clerks and other assistants shall at no time exceed a total of six, provided that three of these shall be employed on a temporary basis only, for a period not exceeding ninety days during any

calendar year; and that the number of inspectors employed by the Board at any one time shall not exceed six, one or more of whom may be inspectors of colored shops and schools, and subject to the further limitation that no employee of the board shall be related by blood or marriage to any member of said Board, which said inspectors shall be approved by the Department of Public Health of the State of Alabama before being eligible for such employment. Each inspector shall receive a salary of not more than \$4,200.00 per year and shall be reimbursed for actual expenses involved in the discharge of his or her duties. Such expenses shall not exceed the sum of ten dollars (\$10.00) per day, plus five cents a mile travel expenses. The Board shall, upon written request of the State Health Officer, discharge any inspector for cause.

"(b) All inspectors appointed under the provisions of this law shall be registered cosmetologist who have engaged in the practice of cosmetology in this state for not less than three years, and who are not less than twenty-five years of age.

"Section 25. The Board may issue a temporary license, to any person who otherwise is subject to examination, as provided in this Act, upon documentary or other satisfactory evidence that the applicant therefor has the necessary qualifications to practice any one or any combination of practices of Cosmetology for which a temporary license is applied; providing, however, that such application for a temporary license is accompanied by an application for an examination as provided in this Act and the necessary fee therefor as provided in Section 16 of this Act. Each temporary license shall state the date of expiration and the temporary license shall after such date be void and of no effect. Such temporary license shall in no event remain in force beyond the date of the next regular meeting of the Board at which examinations are held and until the results of the applicant's examinations are announced. Two such temporary licenses may be issued to the same person."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:36 P. M.

Act No. 634

H. 420—Ashworth

AN ACT

To empower the Commissioner of the State Department of Pensions

and Security to authorize the destruction of obsolete records pertaining to the handling and distribution of surplus commodities.

Be It Enacted by the Legislature of Alabama:

Section 1. The Commissioner of the State Department of Pensions and Security, in his discretion, shall have the authority to destroy or cause to be destroyed case record material concerning the distribution of surplus commodities received from the United States Department of Agriculture and related records and reports concerning the handling and distribution of such surplus commodities, provided that such case record material and records and reports shall be preserved for a period of at least three years from and after the close of the state fiscal year to which they pertain.

Section 2. Any laws or parts of laws in conflict herewith are hereby repealed.

Section 3. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:37 P. M.

Act No. 635

H. 183—Lee, Albea

AN ACT

To amend Section 620 of Title 52, Code of Alabama (1940), which relates to American Legion scholarships, by adding certain institutions of learning to those mentioned therein.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 620 of Title 52, Code of Alabama (1940), is amended to read as follows:

“Section 620. Whenever the American Legion or the American Legion Auxiliary of the State of Alabama shall donate to the State of Alabama, and actually pay in cash to the treasurer of said state, a sum of money amounting to twelve hundred and fifty dollars, there shall be considered as established a free scholarship of the value of one hundred dollars per year in board and such fees or other charges as that amount would cover or include over and above board, for the benefit of the student receiving the benefit of the same, or appointed to such scholarship, at any of the following institutions of learning: The University of Alabama, Tuscaloosa; Alabama Polytechnic Institute, Auburn; Alabama College, Montevallo; any of the group A Normal Schools, Florence, Jacksonville, Livingston, and Troy, that have or may have a dormitory; Alabama State College,

Montgomery; Alabama Agricultural and Mechanical College, Normal, that such scholarship shall be, and is hereby established for each sum of twelve hundred and fifty dollars so donated to the state."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:39 P. M.

Act No. 636

H. 336—Edwards, Solomon

AN ACT

To amend further Section 42 of Title 22, Code of Alabama 1940, in relation to the certification and search of vital records.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 42 of Title 22, Code of Alabama 1940, as amended, is amended further to read as follows:

"Section 42. CERTIFICATIONS AND SEARCHES OF VITAL RECORDS: FEES TO STATE BOARD OF HEALTH. The state registrar of vital statistics shall, upon request of any person having a proper interest therein, supply a certified copy or authentication, under seal of his office, of any record, registered by him under provisions of this chapter. A copy or extract made from any record registered under these provisions, when authenticated by the state registrar, shall be prima facie evidence of the facts therein stated. Provided, that records of birth and death shall not be disclosed except as authorized by the State Board of Health.

"The state registrar, as agent for the State Board of Health, shall be entitled to fees as follows:

"A. For each certified copy issued the fee shall be one dollar; provided, that the fee for each authenticated or exemplified record shall be three dollars, said amount to include the certification fee of the Secretary of State.

"B. For each birth verification limited to name, sex, race, date and place of birth the fee shall be fifty cents.

"C. For making special searches requested by authorized investigators, probate research agencies, genealogists, and others having a proper interest, the fee shall be two dollars for each hour or fraction thereof required to complete a search and prepare the report of same. Provided, that the State Registrar may, at his discretion, decline to make any special search.

"D. For furnishing vital statistics to health agencies and study groups for medical and scientific research purposes, any additional expense incurred by the State Board of Health shall be repaid in the same manner as other fees specified herein.

"Applications for copies, authentications and verifications shall be accompanied by the fee prescribed herein. Provided, that payment for special searches and statistical services may be postponed until the amount to be paid is determined. No fee shall be refunded. The State Board of Health shall cause a complete and correct account to be kept of all monies received under these provisions, and shall cause said sums to be deposited with the State Treasurer to the credit of said Board subject to disbursement for the purpose of administering the vital statistics laws of this State. The State Registrar, and such members of his staff as the State Board of Health deems advisable, shall give a fidelity bond of a penal amount to be determined by the Board. The county health officer of any county that maintains a full-time registrar of vital statistics compensated by salary, may, upon request, issue certified copies and extracts from any record of birth or death in his custody, and may make birth verifications limited to name, sex, race, date and place of birth, and may collect fees of one dollar for each certified copy or extract and fifty cents for each birth verification as provided herein for the State Registrar; provided further, that the county health officer shall cause a complete and correct account to be kept of all fees received by him under these provisions, and shall remit said fees to the Treasurer of his county board of health or like official for custody subject to disbursement in the interest of health services in his county."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:40 P. M.

Act No. 637

H. 786—Locke, Cates, Cabiness, Rast,
Edwards, Perry, Morrow, Ses-
sions

AN ACT

To amend further Section 718 of Title 51, Code of Alabama 1940, in relation to liability for collection and payment of the tax on tobacco and tobacco products.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 718 of Title 51, Code of Alabama 1940, as amended, is amended further to read as follows:

"Section 718. In addition to all other taxes of every kind now imposed by law and which are not specifically repealed by this article 9, every person, firm, corporation, club or association, within the state of Alabama, who sells or stores or receives for the purpose of distribution to any person, firm, corporation, club or association within the state of Alabama, cigars, cheroots, stogies, cigarettes, smoking tobacco, chewing tobacco, snuff, or any substitute therefor, either or all, shall pay to the state of Alabama for state purposes only a license or privilege tax which shall be measured by and graduated in accordance with the volume of sales of such person, firm, corporation, club or association in Alabama. There is hereby levied license or privilege taxes on articles containing tobacco enumerated in this subdivision in the following amounts: (1) Little cigars. Upon cigars of all descriptions made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, one cent for each ten cigars, or fractional part thereof. (2) Cheroots, stogies, cigars, etc. Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for three and one-third cents each or less, one dollar per thousand. (3) Cigars. Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than three and one-third cents each and not more than five cents each, two dollars per thousand. (4) Cigars. Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than five cents each and not exceeding eight cents each, three dollars per thousand. (5) Cigars. Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than eight cents each and not exceeding ten cents each, five dollars per thousand. (6) Cigars. Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than ten cents and not exceeding twenty cents each, ten dollars per thousand. (7) Cigars. Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than twenty cents each, thirteen dollars and fifty cents per thousand. (8) Cigarettes. Upon all cigarettes made of tobacco, or any substitute therefor, three and two-fifth inches long or less and weighing not more than three pounds per thousand, two mills on each such cigarette. (9) Cigarettes. Upon all cigarettes made of tobacco, or any substitute therefor, over three and two-fifth inches long and less than five and one-half inches long, weighing not more than six pounds per thousand, four mills on each such cigarette. (10) Cigarettes. Upon all cigarettes made of tobacco, or any substitute therefor, five and one-half inches long or longer, one and one-third cents on each such cigarette. (11) Smoking tobacco. Upon all smoking tobacco, including granulated, plug cut, crimp cut, ready rubbed and other kinds and forms of tobacco prepared in such manner as to be suitable for smoking in a pipe or cigarette upon each package: weighing not more than

one and one-eighth ounces, tax one cent; over one and one-eighth ounces, not exceeding two ounces, tax three cents; over two ounces, not exceeding three ounces, tax five cents; over three ounces, not exceeding four ounces, tax seven cents; two cents additional tax for each ounce or fractional part thereof over four ounces. (12) Chewing tobacco. Upon all chewing tobacco prepared in such manner as to be suitable for chewing only and not suitable for smoking as described and taxed in subsection (11) of this section: Three-fourths cent per ounce or fractional part thereof. (13) Snuff. Upon each can or package of snuff weighing not more than five-eighths ounces, one-half cent tax; over five-eighth ounces and not exceeding one and five-eighths ounces, one cent tax; over one and five-eighths ounces and not exceeding two and one-half ounces, two cents tax; over two and one-half ounces and not exceeding three ounces, two and one-half cents; over three ounces and not exceeding five ounces (cans, packages, gullets), three cents tax; over three ounces and not exceeding five ounces (glasses, tumblers, bottles), three and one-half cents tax; over five ounces and not exceeding six ounces, four cents tax; weighing over six ounces, an additional one cent for each ounce or fractional part thereof. (a) Whenever in this article reference is made to any manufactured tobacco products, manufactured or imported to sell at a certain price, as the basis for computing the tax, it is intended to mean the ordinary, customary, or usual price paid by the consumer for such tobacco products taxable under this article. (b) Whenever in this article reference is made to any manufactured tobacco products on which the tax is based on weight, the weight as shown by the manufacturer or the federal internal revenue stamp shall apply. (c) When the retail or selling price is referred to in this article as the basis for computing the amount of stamps required on any article, it is intended to mean the retail or selling price of the articles before adding the amount of the tax. (d) When any articles or commodities subject to tax in this article are given as prizes on punch boards, shooting galleries, premiums, etc., the tax shall be based on the ordinary retail selling price of such articles. (e) The tax herein levied shall be paid to the state through the use of stamps as herein provided. However, every wholesaler, distributor, jobber, or retail dealer shall add the amount of the tax levied herein to the price of the tobacco or tobacco products sold, it being the purpose and intent of this provision that the tax levied is in fact a levy on the ultimate consumer or user with the wholesaler, distributor, jobber, or retail dealer acting merely as an agent of the state for the collection and payment of the tax to the state. Therefore, notwithstanding any exemptions from taxes which any such seller may now or hereafter enjoy under the constitution or laws of this or any other state, or of the United States, he shall collect the tax imposed hereunder from the purchaser or

consumer, and the amount of the tax shall constitute a debt from the purchaser or consumer to the seller until paid. It shall be unlawful for any person, firm, corporation, association, or co-partnership to fail or refuse to add to the sales price and collect from the purchaser the amount of the tax to be added to the sales price and collected from the purchaser hereunder. Stamps in denominations to the amount of the tax shall be affixed to the box or other container from or in which tobacco products taxed by this subdivision are normally sold at retail. The stamps shall be affixed in such a manner that their removal will require continued application of water or steam; and in case of cigars, cheroots, chewing tobacco, and like manufactured tobacco products, where sales are made from the original container, the stamps shall be affixed to the box or container in such a way that the stamps shall be torn in two or mutilated when such containers or boxes are opened for the sale of the tobacco products. In the case of cigarettes, smoking tobacco, snuff, and like products, sold at retail in packages, the required amount of stamps to cover the tax shall be affixed to each individual package or container. All taxable tobaccos herein enumerated, when offered for sale, either at wholesale or retail, without having stamps affixed in the manner set out by this article, shall be subject to confiscation, in the manner provided for contraband goods as set out in this article. (f) The description of tobacco products contained in subsections (8) to (10), inclusive, of this section are hereby declared to be standard as to dimensions and weights, when shown, for taxing purposes as provided in article 9. Provided, further, that where cigarettes described in subsection (8) of this section, are packed in varying quantities of less than twenty cigarettes, the following rates shall govern: packages containing ten cigarettes or less shall require a two-cent stamp; packages containing more than ten cigarettes and not to exceed twenty cigarettes, shall require a four-cent stamp. Provided, further, that where cigarettes described in subsection (9) of this section are packed in varying quantities of less than twenty cigarettes, the following rates shall govern: packages containing ten cigarettes or less shall require a four-cent stamp; packages containing more than ten cigarettes and not to exceed twenty cigarettes shall require an eight-cent stamp. Provided, further, that cigarettes described in subsection (10) of this section, regardless of packing, shall require a tax of one and one-third cents per cigarette."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 8:18 A. M.

Act No. 638

H. 713—Adams (Houston)

AN ACT

To amend Section 5 of Act No. 247, S. 69, approved July 29, 1953 (Acts of Alabama, 1953, page 311) entitled "An Act relating to banks and banking; to provide for the retention and disposition of bank records, and for other purposes," by providing for the reproduction of bank records by processes in addition to the microphotographic process and by providing that such reproductions may be retained by banks in lieu of the originals thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 247, S. 69, approved July 29, 1953 (Acts of Alabama, 1953, page 311) entitled "An Act relating to banks and banking; to provide for the retention and disposition of bank records, and for other purposes," is hereby amended to read as follows:

"Section 5. Any bank may cause any or all records at any time in its custody, including records relating to trusts, estates, and other fiduciary accounts, to be reproduced by photostatic, photographic or microphotographic process, or by any other generally recognized reproduction process, and any reproduction so made, whether enlarged or not, shall have the same force and effect as the original thereof and be admitted in evidence equally with the original. The retention of such reproduction, whether enlarged or not, in lieu of the original thereof for the period prescribed by or in accordance with the terms of this Act for the retention of records of its class shall be deemed to be the retention of the original and shall be compliance with this Act and the regulations issued pursuant thereto. After such reproduction is made, the original thereof may be disposed of."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved November 19, 1959.

Time: 4:41 P. M.

Act No. 639

H. J. R. 115—Meade

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING,

That the bill H. B. 700, which has passed both Houses, be designated the "Harris, Godfrey and Meade Bill".

Approved November 19, 1959.

Time: 4:42 P. M.

Act No. 640

H. 288—Glass, Taylor

AN ACT

To amend Section 11 of Title 27, Code of Alabama 1940, to provide that the judge of probate shall make a report to the bureau of vital statistics, state health department, of the result of proceedings to legitimate bastard children.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 27, Section 11 is hereby amended to read as follows:

"Section 11. The father of a bastard child may legitimate it, and render it capable of inheriting his estate, by making a declaration in writing, attested by two witnesses, setting forth the name of the child proposed to be legitimated, its sex, supposed age, and the name of the mother, and that he thereby recognizes it as his child, and capable of inheriting his estate, real and personal, as if born in wedlock; the declaration being acknowledged by the maker before the judge of probate of the county of his residence, or its execution proved by the attesting witnesses, filed in the office of the judge of probate, and recorded on the minutes of his court, has the effect to legitimate such child. A certified copy of the minutes of the court shall be sent by the judge of probate to the bureau of vital statistics, state department of public health within thirty days after the minutes are recorded."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:43 P. M.

Act No. 641

H. 337—Hocklander, Trimmier
Murphy, Brannan

AN ACT

To appropriate the sum of Seven Thousand four hundred thirty-eight dollars and eighteen cents (\$7,438.18) out of Seafood Division Fund in addition to all other appropriations heretofore made for the purpose of paying items of expense and equipment purchases listed herein incurred prior to October 1, 1958.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore made out of the Division of Seafoods Fund, there is hereby appropriated the sum of Seven Thousand four hundred thirty-eight dollars and eighteen cents (\$7,438.18) to be expended by the Division of Seafoods of the Department of Conservation for

paying items of expense and equipment purchases incurred prior to October 1, 1958 as follows: Foley Hardware, \$980.44; Southport Seafood, \$586.06; Coleman Marine, \$330.11; Southern Fish and Oyster, \$271.50; Graham Seafood, \$270.00; Ramos Shrimp Company, \$379.75; Loop Appliance Company, \$65.00; William Henderson, \$1,050.00; Gulf Telephone Company, \$161.70; Callaway Seafood Company, \$619.60; Van Antwerps, \$125.41; Kennedy's Grocery, \$407.26; Cooley's Seafood, \$171.60; Taylor's Grocery, \$182.44; O. J. Bosarge, \$117.48; Crow-Pruitt Company, \$188.00; G. M. McLeod, \$60.00; Brooks Marine Hardware, \$77.27; McKee Marine Supply, \$307.40; Teague Hardware Company, \$82.26; Alabama Hardware Company, \$162.55; Mobile Fixture & Equipment Company, \$340.80; Dr. W. C. Holmes, \$81.74; Klumpp Chevrolet Co., Inc., \$80.91; Gerald O. Sprinkle, \$33.25; A. C. Branyon Jr., \$245.25; Sidney P. Landry, \$60.50. The Director of Conservation is hereby authorized and directed to pay the above listed accounts.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:44 P. M.

Act No. 642

H. 745—Smith (Russell), Brannan,
Hocklander, Trimmier

AN ACT

To amend Section 2, Item III, B (4) of Act No. 98, approved June 25, 1959, entitled "An Act To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2, Item III, B (4) of Act No. 98, approved June 25, 1959, entitled "An Act To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.", be and the same is hereby amended to read as follows:

(4) FORT MORGAN HISTORICAL COMMISSION:

For salaries.....	20,000.00
For other expenses.....	10,000.00
For equipment purchases.....	2,000.00
For additions and betterments.....	3,000.00
Total.....	35,000.00

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 4:45 P. M.

Act No. 643

S. 414—Cooper and Hines

AN ACT

Relating to schools; to provide for a state tenure commission to determine appeal cases under the teacher tenure law, to provide for the appointment of members and their compensation, and to define the jurisdiction of the commission.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created a state tenure commission to consist of seven members, who shall be selected as hereinafter provided. The executive secretary of the Alabama education association shall be ex officio secretary of the state tenure commission, and the attorney general shall assign to the commission an assistant from his office who shall be the legal adviser to the commission.

Section 2. Within thirty days after this Act takes effect, the members of the state tenure commission shall be selected as follows: one member shall be appointed by the governor from among the members of city and county boards of education for a term of seven years; one member shall be appointed by the state superintendent of education from among the county and city superintendents of education for a term of six years; one member, who shall not be a member of the teaching profession, shall be appointed by the president of the Alabama congress of parents and teachers for a term of five years; two members, both of whom shall be currently employed as certified classroom teachers and both of whom shall have attained continuing service status under the teacher tenure law, shall be appointed by the president of the Alabama education association for terms of four years and three years, respectively; one member, who shall not be a member of the teaching profession, shall be appointed by the governor for a term of two years; and one member, who shall be currently employed as a certified principal or certified supervisor, shall be appointed by the state superintendent of education for a term of one year. During the thirty days immediately preceding the expiration of the respective terms of the members of the state tenure commission, each appointing authority designated herein shall appoint a successor member of the commission as provided herein for a term of seven years. Any provision to the contrary notwithstanding, however, each member of the commission shall serve until his successor is

appointed. Any vacancy occurring on the commission shall be filled by appointment for the unexpired term in the same manner as the original appointment was made. Not more than one member of the tenure commission shall be appointed from any one congressional district. Membership on the commission shall not adversely affect the status of a teacher's tenure with the city or county board of education.

Section 3. The state tenure commission shall meet at such times and places as may be determined by the chairman of the commission, or of a majority of its members. Any five members of the commission shall constitute a quorum for the transaction of its business. Provided, that the commission shall not meet on more than thirty days in any one year, nor shall any session of the commission continue for longer than five days.

Section 4. The members of the state tenure commission shall be entitled to receive fifteen dollars a day for each day the commission is in session and shall be reimbursed for necessary travel expenses incurred in going to and from meetings and in the performance of their duties at the same rates as provided for state employees. There is hereby appropriated to the State Department of Education for the fiscal year ending September 30, 1960, the sum of \$5,000 and for the fiscal year ending September 30, 1961, the sum of \$5,000 out of funds in the Alabama Special Educational Trust Fund to be used for the compensation of members and expense of the State Tenure Commission.

Section 5. It shall be the duty of the state tenure commission to hear and determine appeal cases as provided in Section 360 of Title 52, Code of Alabama 1940, as amended, and the decisions of the state tenure commission shall be final to the extent provided by Section 361 of Title 52, Code of Alabama 1940, as amended.

Section 6. The state tenure commission shall hold a meeting in the City of Montgomery within thirty days after the members have been appointed as provided in this Act for the purpose of organizing. The members shall elect a chairman and vice chairman from among their own number, who shall serve as such for one year from the date of his election.

Section 7. The commission may adopt such rules, regulations, and orders as may be reasonably necessary to carry out its functions.

Section 8. This Act is supplemental to Chapter 13, Title 52, Code of Alabama 1940, as amended.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 19, 1959.

Time: 5:00 P. M.

Act No. 644

H. 445—Faulk, Steagall, Jones (Covington)

AN ACT

To re-enact and amend Section 112 of Title 13, Code of Alabama 1940, relating to a division of the State into judicial circuits.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 13, Section 112, repealed by the act of August 16, 1947, is hereby re-enacted and amended to read as follows:

"Section 112. The State of Alabama is divided into judicial circuits for the circuit courts, numbered and composed of the counties as follows: First Circuit—Choctaw, Clarke and Washington; Second Circuit—Butler, Crenshaw and Lowndes; Third Circuit—Barbour and Bullock; Fourth Circuit—Bibb, Dallas, Hale, Perry and Wilcox; Fifth Circuit—Chambers, Lee, Macon, Randolph and Tallapoosa; Sixth Circuit—Tuscaloosa; Seventh Circuit—Calhoun and Cleburne; Eighth Circuit—Lawrence, Limestone, and Morgan; Ninth Circuit—Cherokee, DeKalb and Jackson; Tenth Circuit—Jefferson; Eleventh Circuit—Lauderdale; Twelfth Circuit—Coffee and Pike; Thirteenth Circuit—Mobile; Fourteenth Circuit—Walker; Fifteenth Circuit—Montgomery; Sixteenth Circuit—Etowah; Seventeenth Circuit—Marengo, Greene and Sumter; Eighteenth Circuit—Clay, Coosa and Shelby; Nineteenth Circuit—Autauga, Chilton and Elmore; Twentieth Circuit—Henry and Houston; Twenty-first Circuit—Conecuh, Escambia and Monroe; Twenty-second Circuit—Covington; Twenty-third Circuit—Madison; Twenty-fourth Circuit—Fayette, Lamar and Pickens; Twenty-fifth Circuit—Marion and Winston; Twenty-sixth Circuit—Russell; Twenty-seventh Circuit—Marshall; Twenty-eighth Circuit—Baldwin; Twenty-ninth Circuit—Talladega; Thirtieth Circuit—Blount and St. Clair; Thirty-first Circuit—Colbert and Franklin; Thirty-second Circuit—Cullman; and Thirty-third Circuit—Dale and Geneva."

Section 2. All laws or parts of laws in conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 20, 1959.

Time: 10:45 A. M.

AN ACT

To establish a legislative committee to make an investigation to determine if certain businesses have formed a combination in restraint of trade or in preventing reasonable and fair competition, or have otherwise violated any of the monopoly or trust laws of this state; to provide for the selection of the committee, and to prescribe its powers, duties, and authority; to provide for the payment of the expenses of the committee out of funds appropriated for the use of the Legislature; to provide for the enforcement of the Act; and to prescribe penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be established a committee to be composed of two senators appointed by the President of the Senate and three representatives appointed by the Speaker of the House, whose duty it shall be to investigate the activities of persons, firms, and corporations engaged in the gasoline and oil business in this state in order to determine whether any such person, firm, or corporation has made an agreement with any other person, firm, or corporation in restraint of trade, or has entered into, directly or indirectly, any combination, pool, trust, or confederation with any other person, firm, or corporation to regulate or fix the price of any article or commodity to be sold within this state, or has entered into, become a member of, or become a party to, any pool agreement, combination, or confederation to fix or limit the quantity of any article or commodity to be produced, manufactured, or sold in this state, or has otherwise violated any of the trust or monopoly laws of this state, toward the end of recommending additional legislation to carry out the mandate of Section 103 of the Constitution.

Section 2. The members of the committee shall elect a chairman and vice-chairman from among their number. Committee members shall be entitled to receive their regular legislative per diem and allowances when actually attending meetings of the committee which are held while the Legislature is not in session. No member of the committee shall be liable personally for any act done or any oral or written utterance made while acting under the authority of this Act.

Section 3. The committee may employ such legal counsel, investigators, clerical, and stenographic personnel as may be necessary to carry out the provisions of this Act. The compensation of such personnel, the compensation and allowances of the members of the committee, and all witness fees and allowances shall be paid out of any funds appropriated for the payment of the expenses of the Legislature, upon requisition of the committee's chairman, but such expense shall not exceed a total sum of Seven thousand five hundred dollars (\$7,500.00).

Section 4. The committee shall have the power to investigate any subject respecting which it may desire information in aid of the proper discharge of its function.

The chairman or vice-chairman of the committee established hereby, or the member designated by the committee to act in the absence of the chairman and vice-chairman, is empowered to issue subpoenas for the production of persons and papers looking to the gathering of information on such subjects, and is hereby empowered to administer oaths to witnesses in any case under the committee's examination.

In the event such a person is duly summoned to appear and testify or produce evidence, or both, before the committee, and refuses to attend or testify or produce evidence, or either, in obedience to such summons, the committee shall have the right to invoke the aid of the circuit court at law of the county in which the committee ordered the witness to appear before the committee in order that the testimony or evidence, or both, may be required to be given or produced. In such event, and upon proper showing by the committee to the court, the court shall issue, or cause to be issued, an order or subpoena requiring such person to appear before the committee and produce all evidence and give all testimony relating to the matter in issue within his knowledge as provided in this Act. Any person failing to obey such order or subpoena without good cause, to be determined by the court, may be punished by the court for contempt, the same as is provided by law for any contempt of such court.

Each witness summoned by the committee shall be entitled to the fees allowed witnesses in civil cases in circuit courts, plus five cents per mile for each mile to and from his residence by the nearest usual route, and all necessary ferriage and tolls.

Section 5. The committee shall make a report of its findings to the Legislature on or before the fifteenth day of its next regular session, and shall recommend such legislation as may be necessary to carry out the constitutional mandate imposed on the Legislature by Section 103 of the Constitution.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 20, 1959.
Time: 11:00 A. M.

Act No. 646

H. 952—Hocklander

AN ACT

To provide for an additional judge of the Thirteenth Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. When an additional judge is elected and takes office as herein provided, there shall be six judges of the Thirteenth Judicial Circuit of Alabama. The additional judge shall be elected at the next general election for any state officer for a term to expire at the next general election for such judges. At the next general election for circuit judges, and every six years thereafter, all of the judges of the Thirteenth Judicial Circuit shall be elected as provided by law.

Section 2. The additional judge of the Thirteenth Judicial Circuit shall have and exercise the jurisdiction, powers, rights, and authority, shall possess all the qualifications, and shall perform all the duties that are required of circuit judges by general laws. He shall be liable to all the pains and penalties of the other judges of the circuit and shall be entitled to similar compensation and allowances as provided such other judges under general, special, or local laws.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Approved November 20, 1959.

Time: 1:00 P. M.

Act No. 647

H. 437—Callahan

AN ACT

To authorize and create an additional Judge of the Sixth Judicial Circuit of Alabama, to be designated Circuit Judge place number three therein and to provide for his election, jurisdiction, powers, duties, authority and qualifications, to render him liable to all the pains and penalties of other Circuit Judges of the State of Alabama and to provide that such circuit Judge number three shall be ex-officio Judge of all courts in such circuit as to Juvenile and Domestic Relations cases, hearings and proceedings and shall have the supervision and direction of all personnel in the Sixth Judicial Circuit of Alabama as to Juvenile and Domestic Relations and to provide for and fix the salary of such Judge.

Be It Enacted by the Legislature of Alabama:

Section 1. After a judge has been elected as hereinafter provided in this Act, there shall be three circuit judges for the Sixth Judicial Circuit for the State of Alabama.

Section 2. Said additional judge of and for the Sixth Judicial Circuit of Alabama shall be elected at the next general election of any state officers, to hold office for a term to expire at the next general election for circuit judges. His successor shall be elected at the next general election for circuit judges, and every six years thereafter, for the same term of office as other circuit judges in the sixth judicial circuit.

Section 3. That the said additional judge hereby authorized shall be known and designated circuit judge, place number three, of the Sixth Judicial Circuit of Alabama and said additional judge shall have and exercise all the jurisdiction, powers, rights, and authority and shall possess all the qualifications and may perform all the duties that the other circuit judges of the State of Alabama may exercise, shall possess or may perform, and he shall be liable to all the pains and penalties of said other circuit judges of the State.

Section 4. That in addition to the duties imposed on him by law, said circuit judge, place number 3, shall also be ex-officio judge of all courts in the Sixth Judicial circuit of Alabama having or exercising jurisdiction as to juvenile and domestic relations matters and as to juvenile and domestic relations cases, hearings and proceedings, and such judge shall have and exercise exclusive jurisdiction in such juvenile and domestic relations matters, cases, hearings and proceedings therein and shall have and exercise all the functions and powers conferred upon juvenile and domestic relations courts under the terms of Chapter 7, Title 13; Chapter 4, Title 34; Chapter 6, Title 45; Chapter 11, Title 52; Code of Alabama 1940 or any statute amendatory thereof or supplemental thereto.

Section 5. That said circuit judge, place number three, shall have and exercise supervision and direction of all personnel in such judicial circuit engaged or employed in juvenile or domestic relations matters.

Section 6. Said circuit judge, place number three, shall be entitled to receive the same salary, to be paid in the same manner and from the same sources, as the other two judges of the sixth judicial circuit, including any supplemental salary and/or expenses paid by any county in said circuit.

Section 7. Appeals to the circuit court from the judgments or orders of any court in said county exercising juvenile or domestic relations jurisdiction shall be assigned by the presiding judge of the Sixth Judicial circuit to judges of said court other than circuit judge place number three.

Section 8. That if any section, clause or provision of this Act shall be declared to be unconstitutional the same shall not be

held to affect any other section, clause or provision but the same shall remain in full force and effect.

Section 9. That all laws and parts of laws, either general, local or special, in conflict with the provisions of this Act are hereby repealed.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved November 20, 1959.

Time: 1:30 P. M.

Act No. 648

H. 893—Bevill, Shumate, Gross, Gordon, Goodwyn, Guthrie, Cabiness, Oden, Dodd, Ray, Hearn, Rast, Bailey, Roberts, Morrow, Sessions, Harris, Jones (Covington), Edwards, Hawkins, Meade, Albea, Hanby, Johnston, Johnson (Elmore), Solomon, Rogers, Adams (Houston), Owens, Brannan, Hocklander, Turnham, Reynolds (Chambers), McLendon, Smith (St. Clair), Grouby, Hankins, Perry, Locke, Long, Jenkins, Thomas, Cates, Ramey, Goldthwaite

AN ACT

To make an appropriation for a tentative or preliminary survey of the Mulberry Fork of the Black Warrior River for the purpose of promoting the development of a waterway system connecting the Tennessee River and the Warrior River in the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, is hereby appropriated from any funds in the state treasury not otherwise appropriated, to be spent for the purpose of making a tentative or preliminary survey of the Mulberry Fork of the Black Warrior River to promote the development of a waterway system connecting the Tennessee River and the Warrior River in the State of Alabama. The appropriation herein made may be drawn on by the officers and directors of the Tennessee-Warrior Waterway Development Association, Inc., a public improvement corporation organized under the provisions of Section 150, Title 10, Code of Alabama 1940, by and with the consent and approval of the Governor of Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 20, 1959.

Time: 12:30 P. M.

Act No. 649

H. 827—Pierce, Goodwyn, Bailey

AN ACT

To amend Section 695, Title 51, Code of Alabama 1940, in relation to an apportionment of the license taxes payable by certain common carriers of passengers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 695 of Title 51, Code of Alabama 1940, is hereby amended to read as follows:

"Section 695. (a) Each automobile, motor car or motor bus used for transporting passengers paying fare or charges, shall pay the following named amounts for license tax: With seating capacity of five persons or less, thirty-seven dollars and fifty cents; with seating capacity of more than five and not exceeding ten, fifty dollars; with seating capacity of more than ten and not exceeding fifteen, seventy-five dollars; with seating capacity of more than fifteen and not exceeding twenty, one hundred dollars; with seating capacity of more than twenty and not exceeding forty, one hundred and fifty dollars; with seating capacity exceeding forty, two hundred dollars; provided, however, that the Commissioner of Revenue of Alabama is hereby authorized and directed to apportion the cost of the above said license taxes to any common carrier of passengers by motor vehicle operating a fleet of two or more vehicles under the authority of the Interstate Commerce Commission so that the total cost of such license taxes shall bear the same proportion to the cost of the above said license taxes as the total number of miles operated by the fleet of such carrier in Alabama during the preceding tax year bears to the total number of miles operated by such fleet in all States during such year; and provided further, that the Commissioner of Revenue of Alabama is hereby authorized to promulgate such reasonable rules and regulations as may be necessary to effectuate such apportionment.

"(b) Each person desiring to take out a license to operate a motor vehicle for the transportation of passengers for hire, except taxicabs and touring cars hired by the hour or for special trips on terms agreed upon between the passenger and the carrier at the time of entering upon such service, shall at the time he applies for such license make out in writing a statement de-

scribing the route over which such motor vehicle shall be operated and naming the terminal points thereof, and such route shall be plainly indicated on the motor vehicle in letters of sufficient size to be read at a distance of fifty feet.

“(c) For each motor vehicle operated as a part of a taxicab, or similar system, the following license tax shall be charged: (1) For each automobile not exceeding twenty-five hundred pounds in weight, eleven dollars and twenty-five cents; (2) for each automobile weighing over twenty-five hundred pounds, but not exceeding three thousand pounds in weight, sixteen dollars and seventy-five cents; (3) for each automobile weighing in excess of three thousand pounds, but not exceeding thirty-five hundred pounds in weight, nineteen dollars and twenty-five cents; (4) for each automobile weighing over thirty-five hundred pounds, but not exceeding four thousand pounds in weight, twenty-six dollars and twenty-five cents; (5) for each automobile weighing in excess of four thousand pounds thirty dollars.”

Section 2. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 20, 1959.

Time: 11:15 A. M.

Act No. 650

S. 357—Cooper, Clark, Crawford and Golson

AN ACT

To authorize and encourage joint action and cooperation between cattle raisers, cattle dealers and other handlers of cattle for the purpose of stabilizing, protecting, and promoting the cattle and beef industry in Alabama; recognizing the Alabama Cattlemen's Association as the representative and agent of the cattlemen of the state for the purpose of initiating and conducting certain programs designed to stabilize, protect and promote the cattle industry; authorizing providing for and regulating the levying and collection of assessments on sales of cattle to provide funds to finance such programs; placing certain duties relative to such assessments on the commissioner and the department of agriculture and industries; providing for a refund of any assessment collected under authority of this act to any cattleman who is dissatisfied with the levy thereof; and prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Since cattle raising is now the largest industrial enterprise in Alabama, it is hereby declared that stabilization, protection, and promotion of the cattle industry will be in the public interest of the state and will inure to the benefit not only of the cattle producers but also the public generally. Therefore,

in order to stabilize, protect and promote the cattle industry in this state and to enable cattlemen to obtain the full benefits relative to research, studies, and problems of marketing and distribution now available under the provisions of the federal Agricultural Marketing Act of 1946 (Public Law 733 of the 79th Congress), and more particularly Title II thereof, Alabama cattlemen shall be permitted and encouraged to act jointly and in cooperation with handlers, auction markets, packing houses, and other dealers in and processors of cattle in promoting and stimulating by advertising, public relations, marketing research, and other methods increased production, consumption and sale of Alabama cattle and products derived therefrom.

Section 2. The Alabama Cattlemen's Association, a legally incorporated, non-profit corporation in this state, with affiliated local associations and members in every county of the state, which includes in its membership owners of more than two-thirds of the cattle in this state, is hereby declared to fairly represent the cattlemen of the state, hence is recognized as their agent for the purposes of this Act, and is hereby authorized to initiate and carry into effect programs in this state for the following purposes:

(a) To assist in maintaining and increasing the purchasing power for Alabama cattlemen and thereby enhance their welfare and the welfare of the general public of the state.

(b) To provide methods and means for the development of new and larger markets for cattle and beef grown in Alabama, through advertising, public relations, marketing research, and other means.

(c) To improve the grade and quality of Alabama cattle and the products derived therefrom.

(d) To provide a means whereby Alabama cattlemen, and others who sell Alabama cattle may legally tax themselves in order to promote a much needed program for the expansion of the cattle industry in the State of Alabama.

For the purpose of carrying out any program for any of the above named purposes the Alabama Cattlemen's Association may expend any funds accruing to it by reason of any assessment made pursuant to this Act. No association or activity undertaken in pursuance of this Act and intended to benefit all the producers, handlers, and processors of cattle shall be considered illegal or in restraint of trade.

Section 3. The Board of Directors of the Alabama Cattlemen's Association is hereby authorized to determine the sentiment of cattle producers in the State of Alabama as to whether such cattle producers favor an assessment levied upon themselves to

be deducted from the price of cattle and calves which they sell with the proceeds derived therefrom to be used for promoting a program for any one or all of the purposes enumerated in Section 2 of this Act. To determine the sentiment and desire of cattlemen in Alabama upon such a question the Alabama Cattlemen's Association shall hold and conduct a referendum wherein all cattle producers may vote upon the question of levying upon themselves an assessment as herein authorized with the amount of the assessment to be specified in the referendum and such referendum shall be conducted on a state-wide basis through each county cattlemen's association to the end that all producers of cattle and calves may be given an opportunity to vote in the referendum. Each county cattlemen's association in conducting the referendum shall secure the services, advice and assistance of the county agricultural extension agent in giving publicity to the referendum and other matters relating thereto to the end that all cattle producers may be given an opportunity to vote in the referendum. The Board of Directors of the Alabama Cattlemen's Association shall determine the date or dates, place and method of conducting such a referendum, together with the amount of the assessment by uniform rules and regulations adopted for this purpose. After the referendum is held in each county the president of the county cattlemen's association shall certify the results thereof to the Alabama Cattlemen's Association and upon receipt of such results the Board of Directors of the Alabama Cattlemen's Association shall tabulate the total vote and if it is found that a majority of cattle producers in the State of Alabama who have voted in the referendum favor the levying of an assessment upon themselves in the amount specified in the referendum the Board of Directors of the Alabama Cattlemen's Association shall notify the Commissioner of Agriculture and Industries to the end that he may proceed to collect the assessment in the manner set forth in Section 4 and 5 of this Act. No assessment levied hereunder shall exceed 10c per head on any head of cattle or calves sold by cattle producers and no assessment shall be levied or deducted from the sale price of any cattle or calves which sell for less than \$10.00 per head. The period of time for which an assessment shall continue in effect shall be specified in the referendum but such period shall not exceed five years.

The Board of Directors, upon the expiration of the period for which an assessment is made, shall be authorized to hold another referendum at the end of each such period during which the assessment is levied in order that it may be determined whether cattlemen of the State desire to continue the assessment provided such referendum shall be conducted by vote of the cattlemen in the manner heretofore set forth. In the event any referendum conducted hereunder shall result in a vote of less than

a majority of the cattlemen voting in such referendum favoring the assessment, then the Alabama Cattlemen's Association shall be authorized to call another referendum as authorized hereunder and for the purposes herein set forth after a period of twelve months shall have elapsed since the last referendum. Whenever, in the opinion of the Board of Directors, funds derived from assessments are no longer needed for the purpose for which they are levied the Board of Directors may discontinue such assessment.

Such Board of Directors, with the approval of the Commissioner of Agriculture and Industries, is authorized to make such rules and regulations, not in conflict with this Act, as are needed to effect the purposes of this Act, but before any such rules shall become effective a copy thereof must be filed with the Commissioner of Agriculture and Industries and a copy thereof must be published in a newspaper of general circulation in the area thereby affected, or if such rules will affect the whole State, then in three newspapers of general circulation in the State.

Section 4. Immediately after the Board of Directors of the Alabama Cattlemen's Association determines that the required number of cattle owners approve of levying the assessment and fixes the amount or rate of such assessment the secretary of such Association shall notify the Commissioner of Agriculture and Industries that such levy has been approved and the amount thereof fixed. Within thirty days after receiving such notice from the Alabama Cattlemen's Association the Commissioner of Agriculture and Industries shall notify in writing every person licensed to operate a livestock market, pursuant to Act No. 173 of the Legislature of 1951, and the Commissioner of Agriculture and Industries shall also notify every person who operates a meat packing or slaughter establishment who buys cattle or calves directly from the producer, that on and after the date designated in such notice, which shall be not less than thirty nor more than sixty days after the mailing of such notice by the Commissioner, assessments shall be deducted by all handlers of cattle and calves, either or both, or by their agents or representatives, from the purchase price paid to the sellers of such cattle or calves. The notice shall also state that each such handler shall on or before the tenth day of each calendar month remit to the Commissioner of Agriculture and Industries all assessments so deducted by him during the previous month from the purchase price of cattle or calves, less three per cent thereof, which he may retain to compensate him for the trouble and expense of collecting and remitting such assessment.

Section 5. Between the first and fifteenth days of January, April, July and October of each year the commissioner of agriculture and industries shall remit to the treasurer of the Alabama

Cattlemen's Association all monies paid to or collected by him by reason of the levy of assessments pursuant to this Act, less a commission of three percent of the total amount so collected. The commission above authorized to be deducted from the assessments paid to him shall be covered by the commissioner into the agricultural fund in the state treasury. Provided, that before the treasurer of the Alabama Cattlemen's Association shall receive from the commissioner any funds pursuant to this section he shall have filed a surety bond acceptable to the board of directors of the Alabama Cattlemen's Association and the state commissioner of agriculture and industries in an amount not less than the estimated total amount of assessments which will be collected and paid to the Alabama Cattlemen's Association during the ensuing year. The surety on such bond shall be a surety company licensed to do business in the State of Alabama. The bond shall be in the form and amount prescribed by the Alabama Cattlemen's Association and approved by the state commissioner of agriculture and industry, and the original thereof shall be filed with the commissioner of agriculture and industries and a copy thereof with the secretary of the Alabama Cattlemen's Association.

Section 6. In the event assessments are approved, levied, and collected as authorized herein any cattle seller who is dissatisfied with said assessment may have such assessment refunded to him by applying therefor in writing to the Alabama Cattlemen's Association, within thirty days from the date on which such assessment was deducted from the purchase price of his cattle, and giving the following facts relative to the sale: Name and address of the purchaser who bought his cattle, the date of purchase, the invoice number, if any, and the number of head purchased from him for which the assessment was deducted. Within thirty days after receipt of such application the Alabama Cattlemen's Association shall, if after investigation such association is convinced that the assessment was paid as claimed in the application, refund the amount so paid as an assessment. The mailing by the association of a valid check in the amount of such assessment, payable to the seller, within thirty days after receipt of the application for refund, shall constitute compliance with this section.

Section 7. The board of directors of the Alabama Cattlemen's Association, within sixty days after the close of any fiscal year during which such association has received funds derived from assessments collected under authority of this Act, shall cause a thorough audit of the books and accounts of the association for such fiscal year to be made by a certified public accountant.

Within ninety days after the close of the association's fiscal year, if it has received any funds derived from assessments levied

and collected pursuant to this Act, the association shall publish, through the medium of the press of the state, a statement showing: The amount of assessments received by the association and the amount of such assessment funds spent for each project and item, all as shown in the annual official audit of the association's accounts by the certified public accountant.

Section 8. The state commissioner of agriculture and industries is charged with the enforcement of any assessment approved and levied under the provisions of this Act and with the enforcement of all regulations promulgated as hereinabove authorized.

The books and records of all handlers and purchasers of cattle or calves relative to assessments collected from sellers in Alabama shall at all times during regular business hours be open for inspection by said commissioner or his duly authorized agent. Whenever upon inspection of such books the commissioner or his agent determines that assessments have not been deducted as directed in this Act, or that all assessments deducted have not been paid over and there is a balance due on such assessments, he may demand payment thereof and upon failure or refusal on the part of the buyer to pay such funds the commissioner shall proceed to collect such sum in the same manner he collects other fees and charges due the State of Alabama pursuant to Title 2, Code of Alabama 1940. The commissioner shall, if the handler or purchaser who fails or refuses to pay assessments levied pursuant to this Act holds a livestock dealers or a livestock market license issued pursuant to any provision of Title 2, Code of Alabama 1940, immediately revoke such license.

Section 9. Any handler or purchaser of cattle who wilfully fails or refuses to deduct and pay over as prescribed in this Act any assessment levied pursuant hereto shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount equal to three times the amount of the assessments he failed or refused to collect and pay over to the commissioner of agriculture and industries.

Section 10. This Act shall be known and may be cited as the "Alabama Cattle and Beef Promotion Act."

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this Act are repealed.

Section 13. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 20, 1959.

Time: 3:40 P. M.

Act No. 651

H. 424—Harris, McCorquodale, Bishop, Nettles, Rogers, Sullivan, Speaks, Jenkins, Cabiness, Martin, Britton, Johnston (Leonard), Avery, Lee, Hardy, Hain, Long (Perry), Hearn, Johnson (Hardaway)

AN ACT

To further amend the Farm-to-Market Road Act of 1943 (Act No. 329, approved July 1, 1943) by amending Sections 1, 2, and 13 of said Act as amended by Act No. 41, approved June 1, 1945 (1945 Acts, page 47); by amending Sections 3 and 7 of said Act as amended by Act No. 831, approved September 19, 1953 (1953 Acts, page 1119); and by amending Section 11 of said Act as amended by Act No. 14 approved August 11, 1950 (Fourth Special Session 1950 Acts, page 55).

Be It Enacted by the Legislature of Alabama:

Section 1. That the Farm-to-Market Road Act of 1943 (Act No. 329, approved July 1, 1943) be and the same is hereby amended by amending Sections 1, 2, and 13 of the said Act as amended by Act No. 41, approved June 1, 1945 (1945 Acts, page 47); by amending Sections 3 and 7 of the said Act as amended by Act No. 831, approved September 19, 1953 (1953 Acts, page 1119); and by amending Section 11 of the said Act as amended by Act No. 14, approved August 11, 1950 (Fourth Special Session, 1950 Acts, page 55), so as to read as follows:

"Section 1. Definitions.—The words "county roads" as herein used shall mean all public roads (including bridges) within a county and continuing into or through the corporate limits of any city or town in such county, or to make a connection with a paved road, or street, in any city, or town, within a county, which are not a part of the State Highway System and which are sometimes called "Farm to Market Roads". The word "construction" as herein used shall mean all construction and reconstruction, betterment projects, surfacing and/or resurfacing, but shall not include repair and maintenance unless made necessary by providential disaster."

"Section 2. Bureau of County Aid.—There is hereby created within the State Highway Department a division to be called the Bureau of County Aid for the purpose of administering this Act, which Bureau of County Aid shall have the same status as

the other bureaus of the highway Department. The State Highway Director shall, with the approval of the Governor, nominate a Chief of said Bureau whose compensation and terms of employment shall with such approval be fixed by the State Highway Director and who shall be subject to the merit system. All authority and representation for the administration of the Farm-to-Market Road program shall be vested in the Bureau of County Aid and the Chief of the Bureau of County Aid, with the approval and supervision of the Highway Director, shall administer this program."

"Section 3. State County Aid Fund Established.—Out of that part of the State gasoline excise tax accruing and paid into the treasury to the credit of the State Highway Department for the Public Road and Bridge Fund pursuant to Section 657, as amended, of Title 51 of the Code of Alabama of 1940, there is hereby appropriated for each fiscal year hereafter, an amount of money equal to 1/67th of 1c thereof for any one county, (A) to pay one-half the cost of the construction by each such county of county roads pursuant to the provisions of this Act and (B) to pay the interest on, and trustee's or depository's fees with respect to securities issued by such county, with the consent of the State Highway Director, to finance such construction, or any part thereof, and in anticipation of the receipt of moneys by the county under this Act; all such payments to be made pursuant to the provisions of a contract or contracts between such county and the State Highway Department made as provided in this Act. All amounts of money so appropriated out of the Public Road and Bridge Fund shall be transferred therefrom by the State Treasurer on request of the State Highway Director, with the approval of the Governor, and set aside in the treasury in a special fund to be known as the State County Aid Fund and shall be used exclusively in the manner and for the purposes hereinafter provided. Provided further, however, that no part of the gasoline excise tax accruing to the credit of the Public Road and Bridge Fund shall be set aside or credited to the State County Aid Fund in such wise or manner as to impair the security for the payment of interest and the creation of sinking funds for any highway and bridge bonds or the security of any bonds issued for the purpose of refunding the same."

"Section 7. Contract of County with State Highway Department: Security Schedule: Revision of Contract.—Upon approval as hereinabove provided of an application by a county for aid in the construction of a county road and of the plans and specifications therefor, submitted by the county engineer, the county by and through the governing body shall make and enter into a contract with the State Highway Department through the Bureau of County Aid in form approved by the Chief of said Bureau setting forth all the terms and conditions upon which

the said road shall be constructed. This contract shall not be made retroactive or cover any work done prior to the execution of the contract, other than preliminary engineering. If, at the time when such contract shall be entered into, the county proposes to issue securities, with the consent of the State Highway Director, to finance the construction, or any part thereof, provided for in such contract and in anticipation of the contribution of moneys from the State County Aid Fund, the master or loan contract or contracts so entered into between the county and the State Highway Department shall set forth the aggregate principal amount of such securities, and the total amount (or if the total amount is not then known, the total estimated amount) of interest and trustee's or depository's fees that will become due with respect to the said securities and said master or loan contract shall contain a schedule setting forth the dates when the contributions for payment of such principal, interest, and trustee's or depository's fees will become payable from the State County Aid Fund. At any time when a county shall issue or shall propose to issue warrants in anticipation of the moneys to be contributed from the State County Aid Fund with respect to a contract which has already been entered into, the county may request the Chief of the Bureau of County Aid to revise such contract so as to set forth therein a description of the said securities and a schedule such as is provided for in the preceding sentence. The Chief of the Bureau of County Aid may in his discretion so revise any such master or loan contract at any time prior to the payment to the county of all moneys provided in such master or loan contract to be contributed from the State County Aid Fund. Any county may make application, and the Chief of the Bureau of County Aid may approve such application, with respect to a county road construction of which was commenced by the county prior to the making of the application."

"Section 11. Disposition of Unexpended State Funds.—Any State money remaining in the State County Aid Fund for any county unexpended or not obligated for the construction of county roads at the end of a fiscal year shall revert to and be transferred and credited to the State Public Road and Bridge Fund: Provided, however, beginning with the start of the postwar Federal Aid Program provided in the Federal Aid Highway Act of 1944, and for such length of time as federal funds may be available, the State Highway Department will set aside monthly for the use of each county under the State Farm-to-Market Act of 1943, 1/67th of 1c of the State's gasoline tax. Any amount not matched by a county will accumulate until the end of the State's fiscal year, closing annually on September 30. The amount unused to the credit of each county at the close of the State's fiscal year will be held by the State Highway Department available for the county to match. The counties shall have a period of time

to match State aid money equal to twelve months, or at the end of the next fiscal year, before the funds held in trust by the Highway Department for the counties revert to the Highway Department. Any amount of State aid money not matched by a county in this period of time will revert to the State Highway Department for reallocation to the counties, each county to receive 1/67th of the funds so reverted; provided, however, that the State Highway Department may not revert a county's funds if proper proof is made that matching will be done within a thirty day period. It is further provided, however, that any funds not currently needed or obligated pursuant to the provisions of this Act for the purpose of providing for the Farm-to-Market Program may be used by the State Highway Department in the same manner as other funds of the Department in the Road and Bridge Fund for such period of time as such funds are not needed for the purposes of this Act. In no event, however, shall the use of the Farm-to-Market Road funds by the Highway Department delay, hinder, or impair the Farm-to-Market Road Program as provided for in this Act."

"Section 13. Counties Not Precluded from Accepting Available Federal Aid.—Nothing herein contained shall preclude the counties and the State from accepting whatever federal aid may be available at the time for the construction of county roads, and any matching of funds required in that connection shall be made by the State Highway Department and the counties, share and share alike, or in such proportions as the State and county shall agree on, and the State's part thereof shall be paid out of the State County Aid Fund set aside to the counties. This Act shall be construed so that no county shall during any one fiscal year receive more than 1/67th of the State County Aid Fund herein provided. There is hereby appropriated of the moneys in the State Treasury to the credit of the Highway Department, the sum of \$2,500,000 to be held in reserve by the Highway Department to be used, 1/67th in each county on county Farm-to-Market Roads, without matching by the counties, but to be matched with a like sum of federal aid money in each county, when, and at any time within one year thereafter, the moneys appropriated by the Federal Aid Highway Act of 1944 and allotted to the State of Alabama for secondary, Farm-to-Market Roads are available. Such State and Federal moneys are to be spent in the counties without requirement for county matching, if and only if the county shall have (1) set up and had approved by the State Highway Department a system of county Farm-to-Market Roads, and (2) have in its employ a county engineer approved by the State Highway Department as provided in Section 5 of the Farm-to-Market Road Act, as amended. Any amount allotted to a county and not accepted within one year provided above, will revert to the general funds

of the State Highway Department. During this year such federal and state money is available to the county without the county matching, the county may carry on the regular program provided in this Act by matching State funds not to exceed in each county 1/67th of the State's receipts from 1c of the State's gasoline excise tax under Title 51, Section 657, Code of 1940. Of the federal aid moneys allocated to Alabama for secondary, Farm-to-Market roads, subject to being in conformity with the federal rules and regulations, the State Highway Department will allot to each county an amount equal to 1/67th of 50% of such federal aid, to be matched by the State and county, share and share alike, from state-county funds provided in this Act. Any amount of federal funds not matched in this manner during the federal fiscal year they are made available, will revert to the State Highway Department for matching on the state-federal aid system."

Section 2. That all laws or parts of laws, general, local or special, in conflict with the provisions hereof be and the same are hereby expressly repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 20, 1959.
Time: 4:00 P. M.

Act No. 652

H. 563—Oakley

AN ACT

To permit the county, city and independent school district boards of education, by their rules and regulations, to provide assistance to residents of their respective districts for instruction on an elementary or secondary level not available to them in public schools within the district.

Be It Enacted by the Legislature of Alabama:

Section 1. The county, city and independent school district boards of education, hereinafter called the local boards of education, under such rules and regulations as they shall determine, may provide assistance for residents of their respective districts for instruction on an elementary or secondary level at a private non-denominational institution when such instruction is not available to such residents at any public educational institution within the district. The local boards of education shall, by their rules and regulations, determine the qualifications of persons who may be aided under the provisions of this Act, and the decisions as to the qualifications of persons by each of the said boards shall be final. Each local board of education may provide

assistance for elementary or secondary school instruction at any private non-denominational institution, as it deems necessary, within or without the district. The local board of education shall provide assistance for such elementary or secondary instruction within the limits of funds available for educational purposes at a cost per pupil not exceeding the probable cost for such instruction if it were available at a public school within the district. The local board of education, in providing assistance in such instruction, may take into consideration differences in travel, tuition, and other expenses.

Section 2. For the purpose of allocating the minimum program fund or other state contributions to the local boards of education, the daily attendance of pupils attending private non-denominational schools and receiving assistance under the provisions of this Act shall be counted as if they were attending public schools within the district.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 20, 1959.

Time: 4:30 P. M.

Act No. 653

H. 797—Smith (Russell), Adams
(Tallapoosa)

AN ACT

To revise Article I of Chapter I of Title 23 of the Code of Alabama of 1940 as amended, in relation to Highways, Roads, Bridges and Ferrys by amending Section 23 and Section 35.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That Section 23 of Title 23 of the Code of Alabama of 1940 be amended to read as follows:

(A) Payment for contract work.—The highway department shall authorize partial monthly payments to the contractor performing any road or bridge work as the work may progress. The progress estimates and payments shall be based upon all materials placed and all labor expended upon the work. Seven and one-half per cent (7.5%) of any such work performed shall be

withheld until the amount of such retainage shall equal five per cent (5%) of the contract price, which sum shall be withheld until the work is satisfactorily completed and approved by the highway department as to the fulfillment of all of the provisions of the bonds therein.

(B) Should any contractor be behind more than twenty percent (20%) in the time schedule as outlined in his contract, the highway director reserves the right in his absolute discretion to continue to withhold the original percentage until such time as provided in sub-section A.

SECTION 2. That Section 35 of Title 23 of the Code of Alabama of 1940 be amended to read as follows:

Additional authority of the highway department.—The highway department in addition to the right, authority and powers conferred upon it by this chapter, is authorized to make all such reasonable rules and regulations as the department may deem necessary to carry out the provisions of this chapter; and, whenever the funds of the state are being expended for the construction, maintenance or repair of a public highway, the highway department, shall have the power and authority to compel all railways operating in this state, to construct viaducts, tunnels, underpasses, or bridges to the full extent of the width of the right-of-way and over the tracks as owned, or operated by any railway, when in the judgment of the highway department, such viaducts, tunnels, underpasses, or bridges are necessary for the safety of the general public and whereby a dangerous grade crossing is eliminated.

The highway department may appropriate out of the funds credited to the highway department, for the construction, and maintenance of highways, an amount not to exceed fifty percent of the cost to construct said viaduct, tunnels, underpasses, or bridges to the full extent of the width of the right-of-way and over the tracks as owned, or operated by any railway in this state. If after due notice to a railroad that such a viaduct, tunnel, underpass, or bridge, in the judgment of the highway department, is necessary to be built or constructed across the width of the right-of-way and over the tracks of the railway, and such railway fails, or refuses to comply with the order of the highway department, as provided in this section, the highway department is empowered and authorized to forthwith build or construct such viaducts, tunnels, underpasses, or bridges, and the amounts so expended for such construction as provided herein, shall constitute a charge against such railway and the highway department shall render a bill to such railway stating the amounts expended and for what purpose, and upon the failure, or refusal of such railway to make payment of the amount due the state, the highway department, shall forward all data and in-

formation to the attorney general of this state, who shall immediately institute a suit in the name of the State of Alabama, as provided by law, for the recovery of the amount as reported by the highway department, as due by the railway for the funds to be expended in the construction of viaducts, tunnels, underpasses or bridges across the width of the right-of-way and over the tracks of such railway. Upon the recovery of such funds, the amount shall be paid into the state treasury and credited to the account of the highway department from which such funds were withdrawn; but said railway shall not be required to pay exceeding fifty percent of the cost thereof.

(1) Pre-qualifications of contractors.—The Highway Director shall require all bidders to furnish a statement under oath on such forms as the Highway Department may prescribe, detailed information with respect to their financial resources, equipment, past record, experience of both the firm and personnel of the organization, together with such other information as the Highway Department may deem necessary for carrying out the provisions of this chapter. Such forms shall include a financial statement prepared by either a certified public accountant or a qualified licensed public accountant approved by the Alabama Society of Certified Public Accountants, certifying to the applicant's net worth, an inventory of equipment listing its location and book value, a listing of material and equipment houses with whom a line of credit is established as well as those firms from whom principal materials and equipment have been purchased during the past three years, a listing of completed construction projects and bonding companies with whom business has been done for the past three years, a combined statement of the applicant that includes other wholly owned or substantially owned interest, as well as any other pertinent information required by the Highway Department. Should the applicant's financial statement fail to substantiate the limits required, further consideration may be given to the present market value in lieu of book value of listed assets when properly supported with substantiating evidence.

(2) Furnishing forms; certificate of qualification.—Any bidder desiring to submit a bid for the performance of any contract or contracts which the Highway Department proposes to let, shall apply to the Highway Department for qualifications and shall use for that purpose the form prescribed and furnished by the Highway Department. The Highway Department shall be required to act promptly upon the application for qualification and must act thereon within thirty days after the same is presented to them. Upon the receipt of any application for qualification, the Highway Department shall cause the same to be examined and the statements therein to be verified, and shall thereupon determine whether the applicant is competent, re-

sponsible and possesses the financial resources which satisfy the terms of this chapter. If the applicant is found to possess the qualifications prescribed by this chapter and by the rules and regulations promulgated by the Highway Department, the Highway Department shall issue to him a certificate of qualification, which shall be valid for a period of one year or such shorter period of time as the Highway Department may prescribe, unless thereafter revoked by the Highway Department for cause as hereinafter provided. The certificate of qualification shall contain a statement fixing the actual amount of work in terms of estimated cost, which the applicant will be permitted to have on contract with the Highway Department and not completed, at any one time. Such certificate of qualification shall authorize the holder to bid on all work on which bids are taken by the Highway Department during the period of time therein specified.

(3) Revocation of certificate.—A certificate of qualification may be revoked by the Highway Department only after notice to the qualified bidder and an opportunity to be heard. The notice shall be in writing and shall state the grounds of the proposed revocation, and may be served by any sheriff of the State of Alabama or by registered mail, as the Highway Department shall direct. Any qualified bidder aggrieved by the decision of the Highway Department upon the matter revoking his certificate may appeal from such decision to the Circuit Court of Montgomery County, Alabama, in the manner hereinafter provided.

(4) Prerequisites to award of certificate.—No bidder shall be given a certificate of qualification unless his financial statement and the investigation made by the Highway Department shall show that he possesses net worth sufficient in the judgment of the Highway Department to render it probable that he can satisfactorily execute his contracts and meet his obligations therein incurred. The maximum amount of work that an applicant will be permitted to have on contract with the Highway Department and not completed at any one time, shall be not more than ten times the net worth as shown by the applicant's latest financial statement. In the discretion of the Highway Department the certificate may contain a statement limiting such bidder to the submission of bids upon a certain class or classes of work. All applicants for qualifications shall expressly authorize the Highway Department to obtain all the information which they may deem pertinent with respect to the financial worth and assets and liabilities of the applicant, from banks or other financial institutions, surety companies, dealers in materials, equipment or supplies, or other persons having business transactions with any applicant, and shall expressly authorize all such financial institutions or other persons to furnish any such

information requested from them by the Highway Department. All information filed with or furnished to the Highway Department by applicants or other persons in connection with the administration of this chapter, shall be kept in confidence by the Highway Department and shall not be revealed to any person, except upon the proper subpoena or order of a court of competent jurisdiction. All applications shall be accompanied by satisfactory evidence that the applicant has complied with the workmen's compensation law and is not in default in the payment of any sum due from him under the provisions of such law. Where the applicant is a foreign corporation, the application shall be accompanied by a certificate of the Secretary of State that such corporation is authorized to do business in this State. The Highway Department may require all qualified bidders to file financial statements from time to time, at such intervals as it may prescribe. This chapter shall be administered without reference to the residence of applicants and its provisions and the rules and regulations of the Highway Department, adopted pursuant thereto, shall apply equally to residents and non-residents of the State of Alabama. This chapter shall not apply to the purchase of material, equipment or supplies.

(5) Rules and Regulations.—For the purpose of carrying into effect the terms of this chapter and insuring to the state and public the award of all contracts to competent and responsible bidders, the Highway Department shall be empowered to prepare and promulgate such rules and regulations, not inconsistent with the terms of this chapter, as it may deem proper. Such rules and regulations may cover the requirements of the Highway Department with respect to equipment, past record and experience of applicant, personnel of organization and such other matters as the Highway Department may deem necessary to enable it to pass upon the qualifications of applicants. The Highway Department may, in its discretion, make public from time to time a list of qualified bidders, but such list shall be general in character and shall not indicate the size of contract or character of work with respect to which such bidders have been qualified.

(6) Appeal from final action of awarding authority.—All applicants for qualifications shall be promptly notified by the Highway Department of its final action upon their applications. Any applicant aggrieved by the decision of the Highway Department may, within ten days after receiving notice of such decision, request in writing a reconsideration of his application by the Highway Department and may submit additional evidence bearing upon his qualifications. The Highway Department shall thereupon again consider the matter and may either adhere to or modify its previous decisions. The Highway Department shall act upon any request for reconsideration within fifteen days after

the filing thereof, and shall forthwith notify the applicant of the action taken. Upon being notified of the final action of the Highway Department upon such reconsideration, the applicant who is still aggrieved by the decision of the Highway Department may, within ten days after receiving notification of such decision, take an appeal therefrom to the Circuit Court of Montgomery County, Alabama. Such appeal shall be perfected by the filing of a bond with the Clerk of said court in such amount as the Clerk may fix, conditioned upon the payment by the appellant of the cost of the appeal in case the decision of the Highway Department shall be sustained. An issue shall be made up under the direction of the Court between the applicant and the Highway Department. The court shall hear the evidence offered by the appellant and the Highway Department and decide the case without the intervention of a jury. If the court finds that there is no ground for the correction, modification, or reversal of the decision of the Highway Department, it shall dismiss the appeal; otherwise it shall make the order with respect to the qualification which it finds should have been made by the Highway Department, which order shall be binding upon the Highway Department. An appeal from such decision may be prosecuted to the Supreme Court of Alabama in the same way and manner that appeals in civil cases are now provided for. Any applicant who has been refused qualification, or who is dissatisfied with the Highway Department's decision as to the actual amount of work that he will be permitted to have under contract at any one time, or any limitation as to the class or classes of work on which he is authorized to bid, may at any time file a new application for qualification. Such new application shall be promptly considered and acted upon by the Highway Department.

(7) Unqualified bidders.—The Highway Department shall not be authorized to consider any bid filed with it by any person who has not been qualified under the terms of this chapter. Bids from unqualified bidders discovered by the Highway Department prior to the reading thereof to be from such person shall be returned without being read. If the Highway Department finds, subsequent to the opening of the bids, that facts exist which would disqualify the lowest bidder, or that such bidder is not competent and responsible, the Highway Department shall reject such bid despite the fact of prior qualification of such bidder. It shall be unlawful to award any contract to any bidder not qualified to bid thereon at the time fixed for receiving bids.

(8) False representations as to financial position.—It shall be unlawful for any applicant for qualification to knowingly make a false statement with respect to his financial worth in any application for qualification, financial statement or other written instrument filed by him with the Highway Department

under the terms of this chapter or the rules and regulations adopted pursuant thereto. Any person violating the provisions of this section shall, upon conviction, be fined not less than one hundred nor more than five hundred dollars, and shall be disqualified from submitting bids on contracts advertised for letting by the Highway Department for a period of two years following the date of his conviction.

(9) Persons not qualified not to receive proposals.—It shall be unlawful for the Highway Department or any servant, agent or employee, or any other person, to furnish or deliver any proposal relating to a highway, road or bridge job to any person other than a duly qualified bidder, or his authorized representative. The name of the proposed bidder shall be inserted in the face of the proposal and such proposal shall not be transferable. No proposal shall be issued later than twenty-four hours before the hour set for the opening of bids. Any violation of the provisions of this chapter shall constitute a misdemeanor and the person adjudged guilty shall be fined not more than five hundred dollars and imprisoned for not more than six months, one or both, at the discretion of the Court.

SECTION 3. All laws in conflict with this Act are herewith expressly repealed.

SECTION 4. This Act shall take effect on and after its passage by the Legislature and approval by the Governor or upon its otherwise becoming law.

Approved November 20, 1959.

Time: 5:00 P. M.

Act No. 654

S. 3—Haltom

AN ACT

To amend Title 51, Section 704, Code of Alabama, 1940, as amended, pertaining to ad valorem taxation of motor vehicles.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 51, Section 704, Code of Alabama 1940, is amended so as to read as follows:

“Section 704. Ad valorem taxation of motor vehicles; assessment and collection; payment prerequisite to issuance of license.—(a) To prevent motor vehicles within the meaning of this article from escaping taxation and to provide for the more efficient assessment and collection of taxes due on same, no license shall be issued to operate a motor vehicle on the public highways of this state, nor shall any transfer be made by the probate judge as provided under this article, until the

ad valorem tax on such vehicle shall have been paid in the county for the preceding year, as evidenced by a receipt of the tax collector where the owner of said vehicle resides, if the vehicle is owned by an individual, and if the vehicle is owned by a firm, corporation or association, then as evidenced by the receipt of the tax collector in the county in which said motor vehicle is used or operated. Every person, firm or corporation, who desires to operate a motor vehicle on the public highways of Alabama shall first return such motor vehicle for ad valorem taxation to the tax assessor of the county in which he resides, for the preceding tax year, and the tax assessor of such county shall deliver to such person who makes the return as herein required, a certificate of assessment on a form prescribed by the department of revenue, and such certificate shall be the warrant of the tax collector to collect the tax as shown thereon. (b) The judge of probate upon issuing a license as herein provided shall require the applicant to surrender the receipt of the tax collector and keep same on file in his office. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this article. Valuation for ad valorem assessment shall be sixty percent of the fair and reasonable value of the same. (c) Motor vehicles brought into the State during any tax year shall be subject to taxation, the same as if they had been held or owned in the State on the 1st day of October. Every motor vehicle shall be presumed to have been in Alabama during the taxable year and taxes thereon shall be assessed unless the person, firm or association or corporation applying for exemption from ad valorem taxation furnish the tax assessor with a certificate showing that such vehicle was registered in another State after the preceding October, such certificate to be signed by the proper official of such state and also an affidavit signed by the person, or in the case of firm, association, or corporation, its authorized agent, claiming the exemption, stating the exact date the car came into Alabama; provided, however, that where application is made for exemption from taxation on a new motor vehicle for which there has never been a tag purchased, a bona fide bill of sale showing the date of purchase shall be sufficient proof for exemption by the tax assessor provided the date of purchase, the name and address of the dealer and the invoice number is shown on the assessment sheet. The department of revenue shall furnish each tax assessor with blank certificates required by this section for claiming exemptions. (d) The tax assessors and tax collectors of the several counties in this state in addition to assessing and collecting the ad valorem taxes due the state and counties on motor vehicles, shall collect the ad valorem taxes on motor vehicles due all cities in this state. The tax collector shall report and pay over the money collected for said cities at the same time and in the same manner as state and county taxes are reported and

paid over by him. Said assessors and collectors shall each receive a commission of two and one-half per cent of the amount of city taxes collected; and the tax collectors shall deduct said commission from the amount collected before paying the city treasury, and at the same time pay over to the tax assessor commissions due him under this article. The judge of probate shall not issue a license or operate a motor vehicle on the highways of this state until all ad valorem taxes due the said state, counties and cities are paid for the preceding year as shown by a receipt of the tax collector. Nothing herein shall be construed as affecting the assessment of the stock of goods, wares and merchandise of motor vehicle dealers, or the inclusion of motor vehicles or capital invested therein in making such assessments; nor shall the provisions hereon be construed as imposing an ad valorem tax upon a motor vehicle for the tax year preceding the tax year in which application for such motor vehicle license is made, unless such motor vehicle was subject to such assessment, otherwise than as constituting a part of the stock of goods, wares and merchandise of a dealer."

Section 2. This Act shall take effect October 1, 1960.

Approved November 21, 1959.

Time: 11:47 A. M.

Act No. 655

S. 53—Andrews

AN ACT

To amend further Act No. 424, H. 351, approved August 19, 1949 (Acts of Alabama 1949, p. 601), entitled "An Act To provide for absentee voting in primary, general, special, and municipal elections: Prescribing penalties for violations of the Act and repealing conflicting laws," so as to provide for absentee voting only by certain electors.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2, 5, and 9 of the Act approved August 19, 1949 (Acts of Alabama 1949, page 601) entitled "An Act To provide for absentee voting in primary, general, special, and municipal elections: Prescribing penalties for violations of the Act and repealing conflicting laws," as amended, are amended to read as follows:

"Section 2. (a) Any qualified elector of this state who is in service as a member of the armed forces of the United States, whose regular duty requires that he be absent from the county of his residence on the date any primary, general, special, or municipal election is to be held, and any qualified elector who is the wife of any such elector in service who resides with him at his duty station, or any qualified elector who is a disabled

veteran confined in a facility or hospital operated by the Veterans Administration, may vote in the election in the manner and under the regulations hereinafter prescribed.

“(b) Any qualified elector of this state, whose name, at the time of any primary, general, special, or municipal election, appears on the official list of qualified voters in any county in the state, whose regular business or occupation regularly requires that he be absent from the county, and who may, at any primary, general, special, or municipal election held pursuant to law in this state by reason of his regular business or occupation, and in the performance of the duties thereof, being absent from the state, or from the county in which he is a qualified elector, may vote in such primary, general, special, or municipal election in the manner and under the regulations hereinafter prescribed, with like effect as if he were casting his vote in person at his regular and proper voting place. Such elector shall present himself to the board of registrars of his county at any time before March 1, 1960 or any subsequent year, at any regular or special meeting thereof for the purpose of having the board of registrars place his name on the list of qualified electors eligible to vote an absentee ballot in any primary, general, special, or municipal election held thereafter. The board of registrars shall ascertain from each person presenting himself before the board for the purpose of having his name placed on the list of qualified absentee voters, the name of the person, his address, age, whether or not he is a qualified elector of said county, the name and address of such person's employer and the exact nature of the duties of such person's employment. In the event the board of registrars finds that such person is a qualified elector of said county and is engaged in a regular business or occupation with regularly requires that he be absent from the county, the board of registrars shall place such person's name on the list of qualified electors entitled to vote an absentee ballot in any primary, general, special, or municipal election. Each board of registrars in the state shall, not later than March 15 of each year, prepare a list of the names of those persons enrolled on the qualified absentee voters list and file the same with the probate judge of their respective counties and with the Secretary of State.

“(c) The electors who register as absentee voters shall vote only in the absentee box, and shall not thereafter vote in any other manner, unless and until his name has been removed from the absentee voter list. The probate judge of each county, at the request of an elector made at least 30 days before any election, shall remove the name of the elector from the official list of absentee voters.

“(d) The Judge of Probate of each county in the State shall, not less than twenty-one days prior to the holding of any

election to which this Act pertains, deliver to the register or person serving in his stead a list of those persons qualified to vote an absentee ballot.

“(e) The Judge of Probate shall, before the polls open at any election, cause to be delivered to the election officers of each polling place a list showing the name and address of every person whose name is on the list of those persons qualified to vote an absentee ballot at such polling place. The name of every such person shall be stricken by the election officials from the list of qualified electors kept at the polling place and the person shall not be allowed to vote at said polling place.”

“Section 5. The official absentee ballots for any election to which the Act pertains shall be in the same form as the official regular ballots for the election, except that they shall bear printed thereon the words ‘Official Absentee Ballot’ and except that there shall be printed thereon one of the affidavit forms herein required. Further, each absentee ballot shall be in duplicate, the intent of this provision being that every absentee voter under this Act shall submit two copies of his completed ballot, one original and one carbon.

“Section 9. Any prospective absentee voter who meets the requirements prescribed in Section 2 (b), above, and whose name appears on the official list of absentee voters, may, not more than twenty days and not less than five days prior to the election at which he desires to vote, present himself before the register of the county wherein the election is to be held or before the person designated to serve instead of the register. If the name of the voter is on the official list of qualified voters of the county, and on the official list of qualified absentee voters for said county, and the register is satisfied that the voter is the person he claims to be, and a member of the party in which he claims to be a member, the register shall tender the voter the duplicate absentee ballot required for this Act, including necessary carbon paper, and the required envelope, first filling in the blanks in the upper left corners thereof. The official list of qualified voters herein referred to shall be furnished the register by the probate judge or other person preparing said list at least twenty-one days before the election.

“Any prospective absentee voter meeting the requirements of Section 2 (a) who is a member of the armed forces of the United States, or the wife of any such person, if she meets the requirements of said section, may, not more than forty-five nor less than five days prior to the election at which he or she desires to vote, make application for an absentee ballot, as herein provided to be made by a prospective voter in writing or by filling out the Federal post card application form, authorized and provided for under the provisions of ‘The Federal Voting

Assistance Act of 1955' (Public Law 296, Chapter 656, H. R. 4048, approved August 9, 1955, 84th Congress, 1st Session), and mailing such application to the register, or to the person designated to serve instead of the register. The affidavit herein provided to be attached to the absentee ballot shall be executed by the prospective voter in person before such commanding officer or authority in charge who shall certify to such fact. Such ballot shall be returned by United States mail to the register or to the person acting in his stead and shall be by him marked the day and hour of the receipt thereof. When received by the register or person acting in his stead, the ballot shall be handled and counted in the same manner as ballots voted before the register in person.

"Any disabled veteran meeting the requirements of Section 2 (a) may, not more than 45 nor less than five days before the election at which he desires to vote, make written application to the register, or to the person designated to serve instead of the register, for an absentee ballot. Such application shall have attached thereto a certificate signed by the authority in charge of the hospital or facility, certifying that the applicant is a disabled veteran then confined to such hospital or facility. The voter may make the affidavit on the ballot before any officer authorized to administer oaths or before any officer of the hospital or facility and mail the ballot to the register or other person acting instead. Such ballot shall be handled and counted in the same manner as ballots voted before the register in person."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 21, 1959.

Time: 11:45 A. M.

Act No. 656

S. J. R. 40—Andrews

SENATE JOINT RESOLUTION

Resolved by the Senate, the House concurring, that the bill S. B. 53, which has passed both Houses, be designated and known as "The Andrews, Britton, Casey and Phillips Bill."

Approved November 21, 1959.

Time: 11:46 A. M.

Act No. 657

H. 1099—Sessions, Perry, Morrow, Hawkins,
Rast, Edwards, Locke

AN ACT

To amend Section 2 of an act entitled "an act to create and establish

in each county in Alabama which has a population of 400,000 or more according to the last or any future Federal Census, a county-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of such counties or municipalities located therein, including personnel employed or appointed by the County Board of Health and the Board of Registrars in such counties; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such counties; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such personnel and over such counties and municipalities therein and County Boards of Health and Registrars in such counties; to provide for the payment of the expenses of each such agency and for a division of such expense between the County affected thereby and the municipalities therein including the County Board of Health; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof." (Approved July 6, 1945, General Acts of Legislature of Alabama, 1945, page 376.)

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2 of Act No. 248 of the 1945 Legislature of Alabama (General Acts of Alabama of 1945, pages 377-379) approved July 6, 1945, be amended so as to read as follows: "Section 2. Personnel Board; extent of its authority defined. In and for each separate county of the State of Alabama which has a population of four hundred thousand or more people according to the last or any future federal census, there shall be a personnel board for the government and control by rules and regulations and practices hereinafter set out or authorized of all employees and appointees holding positions in the classified service of such counties and the municipalities therein whose population according to the last federal census was five thousand or more and the County Board of Health, and such personnel board is vested with such Power, authority and jurisdiction. Provided, however, that such board shall not govern any officers or appointees holding positions in the unclassified service. The unclassified service shall include: All employees or appointees of a city or county board of education, or a library board; persons engaged in the profession of teaching or in supervising teaching in the public schools; officers elected by popular vote; the judge of any court; the county attorney; the city manager of any municipality; the director of personnel; the county health officer, provided, however, that if any law or laws now or hereafter enacted shall cause the offices of all other county health officers in the State of Alabama to become subject to any state or county civil service or merit system now or hereafter established, in such event, the office of county health officer in each county subject to the provisions of this Act shall be a position in the classified service as herein defined; one private secretary of a member of the governing body and of each officer except judges elected by vote of the people; internes, resident

physicians, resident dentists, student technicians and student nurses, while undergoing training in a county health department or in a hospital maintained by public funds; common laborers, members of boards who are not employed on a full-time basis and are not required to devote their time and services exclusively to such counties and municipalities therein; attorneys, physicians, surgeons and dentists who with the express or implied permission of an appointing authority or of such county or city hold themselves out for employment by others in the same or a like line of work as that performed by them for such appointing authority; where there are two county sites or county court house sites maintained in one county and a county officer or officers are required to maintain an office in one court house and branch or subsidiary office in the other of said courthouses, the chief deputy of each elective officer in charge of such branch office. The classified service shall include all other offices and positions in the county and municipal service, including the services of the County Board of Health and the Board of Registrars of such county, except as otherwise provided in this Act. Each member of the Board in all hearings before it may administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of papers, books and records and may punish for contempt of the Board in like manner and extent as may be done by courts of county commissioners: A member of the board or his employer shall be prohibited from selling materials, supplies or services to a county or municipality unless such sales are made as the result of open competitive bidding. The term "independent contractor", as used in this section shall include a prospective independent contractor, and the term "appointing authority" as used in this section, shall also include the public entity for which an appointing authority acts. The term "employee", as used in this Act, shall not be deemed to include "independent contractors", but in order to prevent evasions of the policy of this Act, the board shall have power to control, in the manner hereinafter specified, the use of independent contractors for performance of work for an appointing authority except in cases hereinafter specifically exempted from such control. The board shall exercise constant vigilance to see that the policy of this Act be not evaded by the use of independent contractors, and whenever the board shall have reason to believe that work is about to be, or is being done, continued or completed by an independent contractor for an appointing authority, and that such work is such as to be, or, at the time of commencement thereof, to have been, performable as well, practically, expeditiously and economically by one or more employees appointed or appointable, under this Act as by an independent contractor, the board may serve such appointing authority, and such independent contractor, if such independent contractor be

known, with a written request to appear before the board at a time and place specified in such written instrument and show cause, if any there be, why such work should not be done, continued or completed by one or more employees appointed, or appointable, under this Act. Deposit of such written request in the United States registered mail, postage and registration fee prepaid and properly addressed, shall be sufficient service. At the time and place specified in said written request such appointing authority and independent contractor, or either of them, may appear, and, in such event, shall be accorded a fair hearing. If, upon such hearing, or in the event opportunity therefor be not availed of, in the absence thereof, the board shall determine that such work is such, or of such character, as to be, or, at the time of commencement thereof, to have been performable as well, practically, expeditiously and economically by one or more employees appointed, or appointable, under this Act as by an independent contractor, and that no sufficient reason has been made to appear why such work should be performed by an independent contractor in preference to one or more employees appointed, or appointable, under this Act, the board may enter an order prohibiting the doing, continuance or completion of such work after a date specified in such order otherwise than by and through one or more employees appointed, or to be appointed, under this Act, and no compensation shall be paid to, or received by, an independent contractor affected by such order for work done after the date specified in such order. In arriving at its determination the board shall consider, among other things, and give appropriate weight, to the circumstances of whether or not competent persons are available for appointment under this Act for performance of the type of work involved, and of whether or not competent persons are available for appointment under this Act for performance of the type of work involved, and of whether or not the type of work involved is such as may be reasonably expected to be continuous for an indefinite time, regularly recurrent, or sporadic, and of whether or not the type of work involved is such as is customarily and generally let to independent contractors, and of whether or not the appointing authority possesses, or should reasonably be expected to obtain, physical facilities for performance of such work by one or more employees appointed, or appointable, under this Act. The board, however, shall have no power to prohibit the use of independent contractors for the construction of viaducts, bridges, street improvements, sewers, canals, public buildings, or public utilities, and, should an appointing authority desire to do any such construction work by means of its own construction forces or employees, the board, upon application to it first made, may, but is not required, to permit the doing of such construction work by construction forces of employees of the appointing authority not appointed under

this Act, subject to such conditions and limitations as the board may prescribe. In order to forestall the possibility of prohibition by the board of use of an independent contractor for the further performance of any work after such work has been let to such independent contractor, an appointing authority may apply to the board in advance of the letting of any work to a independent contractor for permission to do so, such application to be in writing and to contain a copy of the proposed contract or such general description of its substance as may be satisfactory to the board. The board may grant such application with or without conditions or limitations, and if the same be granted the board shall not thereafter prohibit anything thus authorized. In its determination concerning grant or refusal of such application, the board shall be guided by the same considerations as are hereinabove indicated for guidance of its determination upon the question of whether or not to prohibit the commencement or continuation of work by an independent contractor."

Section 2. All laws and parts of law in conflict herewith are expressly repealed.

Section 3. Severability. If, for any reason, any clause, sentence, subsection, or section, or provision of this act, or the application thereof to any person, body, situation or circumstance is held invalid or inoperative, the remainder of this Act and the application thereof to any other person, body, situation or circumstance shall not be affected thereby.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 20, 1959.

Time: 5:30 P. M.

Act No. 658

H. 1030—Roberts

AN ACT

To levy in Madison County a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption in such county of cigarettes; to require that the tax hereby levied shall be collected by the seller or distributor, added to the sale price of the cigarettes, and passed on to the purchaser or consumer, and that the price and the tax shall be stated separately on any bill of sale or advertising of such cigarettes; to provide that the tax shall be in addition to all other taxes now levied by law except license or privilege taxes levied on the sale of cigarettes by the municipalities in such county, which are hereby repealed; to require the affixing of stamps to the packages of cigarettes to evidence the payment of the tax, and to provide for obtaining the stamps in the same manner and according to the same rules and regulations that govern the purchasing and affixing of stamps for the payment of the state tobacco tax levied by Title

51, Chapter 20, Article 9, of the Code of Alabama, 1940; to provide for the collection and enforcement of the tax by the state department of revenue in the same manner that the state tobacco tax levied by the above mentioned Article 9 is enforced; to adopt by reference certain provisions of said Article 9, as amended, relative to payment of the tax, records and reports with respect to the tax, and the provisions thereof prescribing penalties for violations; to provide for the distribution and use of the revenue derived from the tax; to authorize the state department of revenue to make rules and regulations to effectuate the purposes of this Act; and to prescribe additional penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other taxes now imposed by law, but in lieu of any license or privilege tax levied by any municipality within the county upon the sale, distribution, storage, use or other consumption of cigarettes, every person who sells, stores, delivers, uses or otherwise consumes cigarettes in Madison County shall pay a license or privilege tax in the amount of three cents (\$.03) on each package of cigarettes containing not more than twenty cigarettes and on each package of cigarettes containing more than twenty cigarettes three cents (\$.03) for the first twenty cigarettes and three cents (\$.03) for each additional twenty cigarettes, or fractional part thereof, in such package; provided, however, when the license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes.

Section 2. Every person, firm, corporation, club, or association that sells or stores or receives for the purpose of distribution in Madison County any cigarettes shall add the amount of the license or privilege tax levied and assessed herein to the price of the cigarettes, it being the purpose and intent of this provision that the tax levied is, in fact, a levy on the consumer with the person, firm, corporation, club or association, who sells or stores or receives for the purpose of distributing the cigarettes, acting merely as agent for the collection of the tax. The dealer, storer, or distributor shall state the amount of the tax separately from the price of the cigarettes on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the cigarettes. It shall be unlawful for any dealer, storer or distributor engaged in or continuing in the county in the business for which the tax is hereby levied to fail or refuse to add to the sales price and collect from the purchaser the amount due on account of the tax herein provided or to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption of the tax or any portion thereof. Any person, firm, corporation, club or association violating any of the provisions of this section shall be guilty of a misdemeanor, and upon con-

viction shall be fined not more than one hundred dollars (\$100.00) or imprisoned in the county jail for not more than sixty days, or by both such fine and imprisonment. Each act in violation of this section shall constitute a separate offense.

Section 3. The tax hereby levied shall be paid by affixing stamps as is required for the payment of the tax imposed by Title 51, Chapter 20, Article 9, Code of Alabama, 1940, as amended. The state department of revenue shall have the same duties relative to the preparation and sale of stamps to evidence the payment of such tax that it has relative to the preparation and sale of stamps under that article; and may exercise the same powers and perform the same duties in the same manner relative to the collection of the tax hereby levied that it does relative to the collection of that tax.

Section 4. The state department of revenue is hereby authorized to promulgate and enforce rules and regulations to effectuate the purposes of this Act. All such rules and regulations duly promulgated shall have the force and effect of law.

Section 5. All laws, and rules and regulations of the department of revenue, relating to the manner and time of payment of the tax levied by Title 51, Chapter 20, Article 9, Code of Alabama, 1940, as amended, requiring reports from dealers and prescribing penalties for violations shall apply with equal force to the tax levied by this Act as fully as if set out herein.

Section 6. The revenue collected from the tax hereby levied less any discount allowed on the sale of the stamps and less the actual cost to the revenue department of the stamps shall be distributed as follows: Fifty per cent (50%) thereof shall be paid over to the City of Huntsville; one per cent (1%) thereof shall be paid to the municipality of Madison; one per cent (1%) thereof shall be paid to the municipality of New Hope; the remaining forty eight per cent (48%) thereof shall be paid to the board of education of Madison County to be used for public school purposes.

Section 7. The tax hereby imposed is in lieu of any license tax levied on the sale, storage, distribution, use, or delivery of cigarettes by any municipality within Madison County. No incorporated municipality within Madison County shall, after the effective date of this Act, levy or collect any municipal license or privilege tax on the sale, storage, distribution, use or delivery of cigarettes; and any ordinance levying such tax, heretofore enacted by the governing body of any municipality within Madison County, is hereby repealed, effective as of midnight December 31, 1959. However, the repeal of any such ordinance shall not affect the right of the municipality thereafter to collect any taxes, penalties or other charges due to the municipality

pursuant to such ordinance which had accrued prior to midnight of December 31, 1959; and all such taxes, penalties and other charges may be collected after such date in the same manner that they could have been collected during the time the ordinance pursuant to which they accrued was effective.

Section 8. (a) None of the provisions of this Act shall be applied in such manner as to be in violation of the commerce or other clauses of the federal or state constitution. (b) This statute shall not be construed to apply to cigarettes stored by a wholesale dealer for the purpose of resale or reshipment outside Madison County which are actually resold or reshipped.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this Act are repealed.

Section 11. This Act shall become effective on January 1, 1960.

Approved November 21, 1959.

Time: 12:00 Noon.

Act No. 659

H. 933—Ray

AN ACT

To amend Sections 1 and 2 of Act No. 291, H. 621, approved August 16, 1957, the act requiring the state department of revenue to collect any sales and use taxes levied in the city of Haleyville, Winston County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of that city (Acts of Alabama, Regular Session 1957, vol. I, p. 369).

Be It Enacted by the Legislature of Alabama:

Sections 1 and 2 of Act No. 291, H. 621, approved August 16, 1957, the act requiring the state department of revenue to collect any sales and use taxes which may be levied in the city of Haleyville, Winston County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said city (Acts of Alabama, Regular Session 1957, vol. I, p. 369) are hereby amended to read as follows:

"Section 1. The Department of Revenue is hereby authorized, directed, and required to collect any sales and use taxes which may be levied in the City of Haleyville, in Winston County, Alabama, under the provisions of any municipal ordinance or resolution with a levy identical to the state levy except for rate of tax, subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines,

punishments, and deductions as are applicable to the state sales and use taxes levied under Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, and all acts now or hereafter amendatory thereof or supplementary thereto, except where inapplicable or where herein otherwise provided, including the provisions for the enforcement and collection of taxes when said ordinance or resolution is duly promulgated and adopted by the governing body of the City of Haleyville and when a certified copy of said ordinance or resolution has been filed with the Department of Revenue not less than thirty days prior to the effective date of the tax levy. Such municipal sales and use taxes shall be collected by the department at the same time and along with the collection by the department of taxes levied and collected for the State of Alabama under the provisions of Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as amended, and all reports required to be made to the Commissioner of Revenue hereunder shall, on request to the Department of Revenue, be made available for inspection by the governing body of the City of Haleyville, or its designated agent, at reasonable times during business hours. The Department of Revenue shall prepare and distribute such reports, forms and other information as may be necessary for the collection of such municipal sales and use taxes, and shall have all the authority and duties hereunder as it has in connection with the collection of the State's sales and use taxes provided for by Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as amended. It shall be the duty of the Commissioner of Revenue to pay into the state treasury all such taxes collected for the City of Haleyville under the Act; and on or before the first day of the following month, the Commissioner shall certify to the Comptroller the amount of special taxes levied and collected under the provisions of this Act for the use and benefit of the City of Haleyville during the calendar month immediately preceding the making of such certificate. Whereupon it shall be the duty of the Comptroller to issue his warrant on the State Treasurer for the amount, less expenses, so certified by the Commissioner of Revenue as having been collected for the use of the City of Haleyville and paid into the State Treasury; and the amount so certified by the Commissioner of Revenue as having been collected for the use of such city (less expenses) shall be paid to the Treasurer or other custodian of funds of the City of Haleyville. The Department of Revenue shall charge the City of Haleyville for collecting such municipal sales and use taxes the cost of making such collections provided, however, that such charge shall not exceed ten percent of the amount collected. The Comptroller shall each month draw his warrant on the funds collected hereunder payable to the Department of Revenue for the amount of such

charges. The Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of such municipal sales and use taxes, and otherwise to enforce the provisions of the ordinance or resolution levying such taxes, including any litigation required, and the Department of Revenue shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes payable to the City of Haleyville under the provisions of this Act.

“Section 2. Any municipal ordinance or resolution levying a tax required to be collected hereunder, any amendment, or addition, or other change in such ordinance or resolution shall be effective on the first day of the month next following the expiration of thirty days from the date of the adoption of such municipal ordinance or resolution, provided, however, the Department of Revenue shall not be required to make any collection of taxes or otherwise perform the duties provided herein until and unless a certified copy of such ordinance or resolution, or amendment thereto, is filed with the Department of Revenue not less than thirty days prior to the effective date of said ordinance, resolution, or amendment thereto.”

Approved November 21, 1959.
Time: 12:10 P. M.

OFFICIALS OF THE STATE OF ALABAMA

John Patterson, Governor

Lieutenant-Governor

Albert Boutwell.....Birmingham

Attorney General

MacDonald Gallion.....State Adm. Bldg.

State Auditor

Mary Texas Hurt Garner.....State Capitol

State Treasurer

Mrs. Agnes Baggett.....State Capitol

Secretary of State

Bettye Frink.....State Capitol

Superintendent of Education

Frank R. Stewart.....State Office Bldg.

Commissioner of Agriculture and Industries

R. C. Bamberg.....State Office Bldg.

Adjustment, State Board of

Bettye Frink, Secretary of State, Secretary.....State Capitol

Mrs. Agnes Baggett, State Treasurer.....State Capitol

Mary Texas Hurt Garner, State Auditor.....State Capitol

Charles M. Meriwether, Director of Finance.....State Capitol

Adjutant General

Maj. Gen. Henry V. Graham.....State Adm. Bldg.

Agriculture and Industries, State Department of

R. C. Bamberg, Commissioner.....State Office Bldg.

Agricultural Center Board

Aubrey H. Fleming.....State Coliseum, Federal Drive

Aeronautics, Alabama Department of

Asa Rountree, Director.....Montgomery

Alabama Building Authority

Joseph Urquhart, Building Custodian.....State Adm. Bldg.

Alabama Building Corporation

Ralph Brannon.....State Office Bldg.

Alabama Public Schools Corporation

Frank R. Stewart, State Supt. of Education.....State Office Bldg.

Alcoholic Beverage Control Board

Edward J. Azar, Administrator.....State Adm. Bldg.

OFFICIALS OF THE STATE OF ALABAMA—Continued

<i>Alcoholism, Alabama Commission on</i>	
Nimrod T. Frazer, Administrator.....	Montgomery
<i>Architects, State Board for Registration of</i>	
John M. Morton, Secretary.....	Montgomery
<i>Archives and History, Department of</i>	
Peter A. Brannon, Director.....	Archives Building
<i>Armory Commission</i>	
Henry V. Graham, Adjutant General.....	State Adm. Bldg.
<i>Athletic Association, Alabama</i>	
Cliff Harper, Secretary.....	State Office Bldg.
<i>Bar, Board of Commissioners of State</i>	
John B. Scott.....	Bell Building
<i>Banking, Department of</i>	
John C. Curry, Supt. of Banks and Savings and Loan Comnr.....	Montgomery
<i>Boxing and Wrestling Commission</i>	
Oscar Covington, Secretary.....	Montgomery
<i>Bridge Authority, Alabama</i>	
Pres. C. M. Meriwether.....	State Capitol
<i>Bridge Corporation, Alabama State</i>	
Pres. Sam M. Engelhardt.....	Highway Bldg.
<i>Bridge Finance Corporation, Alabama</i>	
Pres.—C. M. Meriwether, Director of Finance.....	State Capitol
Vice-Pres.—MacDonald Gallion, Attorney General.....	State Adm. Bldg.
Secretary—Sam M. Engelhardt, State Highway Director	Highway Bldg.
<i>Budget Officer, State</i>	
James V. Jordan.....	State Capitol
<i>Building Commission, State</i>	
H. H. Houk, Director, Technical Staff.....	State Office Bldg.
<i>Chemist, State</i>	
Dr. C. R. Saunders.....	Auburn
<i>Civil Defense Agency</i>	
Joe S. Foster, Jr., Director.....	State Adm. Bldg.
<i>Coliseum, State</i>	
A. H. Fleming, Director.....	Federal Drive

OFFICIALS OF THE STATE OF ALABAMA—Continued

<i>Comptroller, State</i>	
John Graves.....	State Capitol
<i>Conservation, Department of</i>	
William C. Younger, Director.....	State Adm. Bldg.
<i>Contractors, State Licensing Board for General</i>	<i>State Adm. Bldg.</i>
Mrs. Elizabeth B. Pitts, Executive Secretary	
<i>Corrections, Board of</i>	
Commissioner A. Frank Lee.....	Kilby Prison
<i>Cosmetology, State Board of</i>	
Mrs. Merle Dailey, Executive Secretary.....	Montgomery
<i>Dead Bodies, Board for Distribution and</i>	
<i>Delivery of</i>	<i>Medical College</i>
Dr. E. C. Sensenig, Secretary.....	Birmingham
<i>Dental Examiners, Board of</i>	
Dr. Walter L. Smith, Jr., Secretary-Treasurer.....	Gadsden
<i>Docks Department, State</i>	
Earl McGowin, Director.....	Mobile
<i>Education, State Department of</i>	
Frank R. Stewart, Superintendent.....	State Office Bldg.
<i>Embalming, State Board of</i>	
James C. Isom, Secretary-Treasurer.....	Sylacauga
<i>Employees' Retirement System</i>	
Raymond D. Fowler, Secretary-Treasurer.....	State Adm. Bldg.
<i>Engineers and Land Surveyors, State Board</i>	
<i>of Registration for Professional</i>	
C. C. Cobb, Executive Secretary.....	State Adm. Bldg.
<i>Entomologists, Horticulturists, Floriculturists,</i>	
<i>and Tree Surgeons, Board to Examine</i>	
B. P. Livingston, Secretary.....	State Office Bldg.
<i>Examiners of Public Accounts, Department of</i>	
Ralph P. Eagerton, Chief Examiner.....	State Capitol
<i>Finance, Department of</i>	
Charles M. Meriwether, Director.....	State Capitol
<i>Fire Marshal, State</i>	
J. V. Kitchens.....	State Adm. Bldg.
<i>Foresters, State Board of Registration for</i>	
Wilbur B. DeVall, Chairman.....	State Adm. Bldg.

OFFICIALS OF THE STATE OF ALABAMA—Continued*Geologist, State*

Dr. Walter B. Jones..... University

Health, State Department of

Dr. D. G. Gill, State Health Officer..... State Office Bldg.

Highway Department, State

Sam M. Engelhardt, Director..... Highway Bldg.

Highway Authority, Alabama

Pres.—C. M. Meriwether, Director of Finance... State Capitol

Vice-Pres.—Joseph G. Robertson, Exec. Secy.

to Gov. State Capitol

Secretary—Sam M. Engelhardt, State

Highway Director..... Highway Bldg.

Treasurer—Mrs. Agnes Baggett, State Treasurer. State Capitol

Member—MacDonald Gallion, Attorney

General..... State Adm. Bldg.

Highway Finance Corporation, Alabama

Pres.—Sam M. Engelhardt, State Highway

Director Highway Bldg.

Vice-Pres.—C. M. Meriwether, Director

of Finance..... State Capitol

Secretary—MacDonald Gallion, Attorney

General..... State Adm. Bldg.

Industrial Relations, Department of

Ralph R. Williams, Director..... State Office Bldg.

Insane Hospitals, Alabama

Dr. J. S. Tarwater, Superintendent..... Tuscaloosa

Insurance, Department of

Edmon L. Rinehart, Director..... State Adm. Bldg.

Insurance Fund, State

S. Reece White, Manager..... State Capitol

Labor, Department of

Olin B. Brooks, Director..... Montgomery

Legislative Reference Service

Charles M. Cooper, Director..... State Capitol

Liquefied Petroleum Gas Commission, Alabama

Mack McWhorter, Secretary..... State Office Bldg.

Medical Examiners, State Board of

Dr. D. G. Gill, Secretary..... State Office Bldg.

OFFICIALS OF THE STATE OF ALABAMA—Continued

<i>Medical Technicians Examiners, Board of</i>	
Mrs. Ruby J. Atkins, Secretary.....	State Office Bldg.
<i>Mental Deficients, Partlow State School for</i>	
Dr. J. S. Tarwater, Superintendent.....	Tuscaloosa
<i>Military Department</i>	
Henry V. Graham, Adjutant General.....	State Adm. Bldg.
<i>Milk Control Board, Alabama State</i>	
John G. Pappanastos, Executive Secretary.....	Montgomery
<i>Mine Examiners, Board of</i>	
H. T. Williams, Chief, Div. of Safety and Insp.....	Birmingham
<i>Nurses' Examiners and Registration, Board of</i>	
Miss Dorothy Foley, Executive Secretary.....	State Adm. Bldg.
<i>Oil and Gas Board, State</i>	
Dr. Walter B. Jones, Supervisor.....	University
<i>Optometry, State Board of</i>	
Dr. William Joseph, Secretary-Treasurer.....	Montgomery
<i>Pardons and Paroles, State Board of</i>	
L. B. Stephens, Secretary.....	State Adm. Bldg.
<i>Pension Commission</i>	
Miss Julie Allen, Secretary.....	State Capitol
<i>Pensions and Security, State Department of</i>	
Alvin T. Prestwood, Commissioner.....	State Adm. Bldg.
<i>Personnel Department, State</i>	
J. S. Frazer, Director.....	State Adm. Bldg.
<i>Pharmacy, State Board of</i>	
E. W. Gibbs, Secretary.....	Birmingham
<i>Pilotage Commission, State</i>	
William P. Adams, Member.....	Mobile
<i>Planning and Industrial Development Board, State</i>	
Leland H. Jones, Director.....	Montgomery
<i>Public Accountancy, State Board of</i>	
Sam Diamond, Secretary.....	Montgomery
<i>Public Library Service Division</i>	
Miss Emily Wheelock Reed, Director.....	State Adm. Bldg.
<i>Public Safety, Department of</i>	
Floyd H. Mann, Director.....	Montgomery
<i>Public Service Commission</i>	
C. C. (Jack) Owen, President.....	State Office Bldg.

OFFICIALS OF THE STATE OF ALABAMA—Continued

<i>Publicity and Information, State Bureau of</i>	
Roy Marcato, Director.....	State Capitol
<i>Purchasing Agent, State</i>	
Maurice Patterson.....	State Capitol
<i>Real Estate Commission</i>	
Mrs. Mary J. Thompson, Executive Secretary.....	Montgomery
<i>Revenue, State Department of</i>	
Harry H. Haden, Commissioner.....	State Adm. Bldg.
<i>River Development Authority, Alabama</i>	
Leland H. Jones, Administrator.....	Montgomery
<i>Securities Commissioner, State</i>	
MacDonald Gallion, Attorney General.....	State Adm. Bldg.
<i>Social Security Act, State Agency for Administration of</i>	
Bettye Frink, Secretary of State.....	State Capitol
<i>Soil Conservation Committee, State</i>	
Julian Brown, Executive Secretary.....	State Office Bldg.
<i>Teachers' Retirement System, State</i>	
Raymond D. Fowler, Secretary-Treasurer.....	State Adm. Bldg.
<i>Television Commission, Alabama Educational</i>	
Raymond Hurlbert, Manager.....	Birmingham
<i>Toxicologist, State</i>	
Dr. C. J. Rehling.....	Auburn
<i>Uniform State Laws, Commission on</i>	
Robert B. Harwood, Member.....	Judicial Bldg.
<i>Veterans Affairs, State Department of</i>	
C. C. Horton, State Service Commissioner.....	State Office Bldg.
<i>Veterinary Medical Examining Board, Alabama</i>	
Dr. Ray Ashwander, Secretary-Treasurer.....	Decatur
<i>Water Improvement Commission</i>	
Dr. D. G. Gill, State Health Officer, Chmn.....	State Office Bldg.
<i>White House Association, The</i>	
Mrs. Ruth Rowell, Regent.....	Montgomery

JUDICIAL

<i>Supreme Court</i>	
J. Ed. Livingston, Chief Justice.....	Judicial Bldg.
<i>Court of Appeals</i>	
Robert B. Harwood, Presiding Judge.....	Judicial Bldg.

OFFICIALS OF THE STATE OF ALABAMA—Continued

STATE COLLEGES

<i>Alabama College</i>	
Howard M. Phillips, President.....	Montevallo
<i>Auburn University</i>	
Ralph Draughon, President.....	Auburn
<i>Florence State College</i>	
E. B. Norton, President.....	Florence
<i>Jacksonville State College</i>	
Houston Cole, President.....	Jacksonville
<i>Livingston State College</i>	
D. P. Culp, President.....	Livingston
<i>Troy State College</i>	
Charles B. Smith, President.....	Troy
<i>University of Alabama</i>	
Frank A. Rose, President.....	University
<i>Alabama Agricultural and Mechanical Institute for Negroes</i>	
J. F. Drake, President.....	Normal
<i>Alabama State College for Negroes</i>	
H. Council Trenholm, President.....	Montgomery

STATE SPECIAL SCHOOLS

<i>Alabama Institute for Deaf and Blind</i>	
E. A. McBride, President.....	Talladega
<i>Alabama School of Trades</i>	
E. L. Darden, Director.....	Gadsden
<i>Alabama Vocational School for Girls</i>	
Alma L. Bachman, Principal.....	Birmingham
<i>State Vocational Trade School</i>	
Carleton W. Kelley, Director.....	Decatur
<i>State Vocational Trade School</i>	
Phillip J. Hamm, Director.....	Dothan
<i>State Vocational Trade School</i>	
Clay Knight, Director.....	Mobile
<i>State Vocational Trade School</i>	
Harold I. James, Director.....	Tuscaloosa
<i>Partlow State School for Mental Deficients</i>	
R. C. Partlow, M. D., Assistant Superintendent.....	Tuscaloosa
<i>Wenonah Vocational and Trade School for Negroes</i>	
T. A. Lawson, Director.....	Birmingham

STATE CORRECTIVE SCHOOLS

Alabama Boys' Industrial School
J. B. Hill, Superintendent.....Birmingham

State Training School for Girls
Mrs. Dorothy Weiss, Superintendent.....Birmingham

Alabama Industrial School for Negro Children
E. B. Holloway, Superintendent.....Montgomery

The number of the central switchboard for all departments located in Montgomery is AM 5-2341.

 ROSTER OF THE SENATE OF ALABAMA

Regular Session 1959

Albert Boutwell, *Lieutenant Governor*.....Birmingham

Vaughan Hill Robison, *President Pro-Tem*.....Montgomery

J. E. Speight, *Secretary*.....Montgomery

Ralph E. Macon, *Assistant Secretary*.....Wetumpka

First Senatorial District—Lauderdale and Limestone Counties.
E. B. Haltom, Jr. P. O. Box 532, Florence

Second Senatorial District—Lawrence and Morgan Counties.
Robert R. Berryman.....Box 573, Town Creek

Third Senatorial District—Blount, Cullman and Winston Counties.
Elwood Rutledge.....P. O. Box 169, Haleyville

Fourth Senatorial District—Madison County.
Dave Archer.....204 Eustis St., Huntsville

Fifth Senatorial District—Jackson and Marshall Counties.
D. Donald Word.....P. O. Box 282, Scottsboro

Sixth Senatorial District—Etowah and St. Clair Counties.
James Ray Wyatt.....Ashville

Seventh Senatorial District—Calhoun County.
A. C. Shelton.....Jacksonville

Eighth Senatorial District—Talladega County.
G. Kyser Leonard.....516 North St., Talladega

Ninth Senatorial District—Chambers and Randolph Counties.
W. C. (Bill) Hines.....LaFayette

Tenth Senatorial District—Elmore and Tallapoosa Counties.
Upshaw G. Jones.....Wetumpka

ROSTER OF THE SENATE OF ALABAMA—Continued

Eleventh Senatorial District—Tuscaloosa County.

Ryan deGraffenried.....

1001 First National Bank Building, Tuscaloosa

Twelfth Senatorial District—Fayette, Lamar and Walker Counties.

Woodrow Wilson Roberts..... Fayette

Thirteenth Senatorial District—Jefferson County.

Lawrence (Larry) Dumas..... 1414 Brown-Marx Bldg., B'ham

Fourteenth Senatorial District—Pickens and Sumter Counties.

Aubrey D. Green..... York

Fifteenth Senatorial District—Autauga, Chilton and Shelby Counties.

Joe W. Graham..... Box 163, Maplesville

Sixteenth Senatorial District—Lowndes.

Carl C. Golson..... Fort Deposit

Seventeenth Senatorial District—Butler, Conecuh and Covington Counties.

R. G. Kendall, Jr..... Evergreen

Eighteenth Senatorial District—Bibb and Perry Counties.

Norman R. Crawford..... Marion

Nineteenth Senatorial District—Choctaw, Clarke and Washington Counties.

Dennis Porter..... Chatom

Twentieth Senatorial District—Marengo County.

E. O. Eddins..... Demopolis

Twenty-first Senatorial District—Baldwin, Escambia and Monroe Counties.

Douglas S. Webb..... P. O. Box 142, Atmore

Twenty-second Senatorial District—Wilcox County.

Roland Cooper..... Camden

Twenty-third Senatorial District—Dale and Geneva Counties.

Rufus Barnett..... 327 Magnolia St., Ozark

Twenty-fourth Senatorial District—Barbour County.

James S. (Jimmy) Clark..... Eufaula

Twenty-fifth Senatorial District—Coffee, Crenshaw and Pike Counties.

Alton L. Turner..... Luverne

Twenty-sixth Senatorial District—Bullock and Macon Counties.

L. K. (Snag) Andrews..... Union Springs

ROSTER OF THE SENATE OF ALABAMA—Continued

Twenty-seventh Senatorial District—Lee and Russell Counties.	
Yetta G. Samford, Jr.	P. O. Box 272, Opelika
Twenty-eighth Senatorial District—Montgomery County.	
Vaughan Hill Robison	1532 Dunbar Ave., Montgomery
Twenty-ninth Senatorial District—Cherokee and DeKalb Counties.	
George E. Godfrey	Jamestown
Thirtieth Senatorial District—Dallas County.	
Walter C. Givhan	Safford
Thirty-first Senatorial District—Colbert, Franklin and Marion Counties.	
Hugh Moses	Hamilton
Thirty-second Senatorial District—Greene and Hale Counties.	
W. F. Wilson	Havana
Thirty-third Senatorial District—Mobile County.	
Will G. Caffey, Jr.	P. O. Box 388, Mobile
Thirty-fourth Senatorial District—Clay, Cleburne and Coosa Counties.	
John E. Gaither	Heflin
Thirty-fifth Senatorial District—Henry and Houston Counties.	
Carl S. Farmer	Abbeville

**ROSTER OF THE HOUSE OF REPRESENTATIVES OF
ALABAMA**
Regular Session 1959**OFFICERS**

Chas. C. Adams, <i>Speaker</i>	Alexander City
Virgis M. Ashworth, <i>Speaker Pro Tem.</i>	Centreville
Oakley Melton, Jr., <i>Clerk</i>	Montgomery
David W. Crosland, <i>Ass't Clerk</i>	Montgomery
Richard C. Belser, <i>Reading Clerk</i>	Montgomery

MEMBERS OF THE HOUSE

Autauga—E. A. (Bud) Grouby	Prattville
Baldwin—L. W. Brannan, Jr.	Foley

**ROSTER OF THE HOUSE OF REPRESENTATIVES OF
ALABAMA—Continued**

Barbour—Place No. 1—Sim A. Thomas	Eufaula
Place No. 2—McDowell Lee	Clio
Bibb—Virgis M. Ashworth	Box 381, Centreville
Blount—W. P. Gordon	Box 361, Oneonta
Bullock—Place No. 1—M. B. McLendon	Box 247, Union Springs
Place No. 2—J. B. Powell	Box 387, Union Springs
Butler—Place No. 1—F. LaMont Glass	845 Ft. Dale Rd., Greenville
Place No. 2—H. B. Taylor	Box 278, Georgiana
Calhoun—Place No. 1—Woodrow Albea	1001 Commercial
National Bank Bldg., Anniston	
Place No. 2—Hugh D. Merrill	Box 1486, Anniston
Chambers—Place No. 1—Roy W. McClendon	Shawmut
Place No. 2—Charles Reynolds	Lanett
Cherokee—Ralph A. Meade	Cedar Bluff
Chilton—Francis W. Speaks	Box 535, Clanton
Choctaw—Hunter Phillips	Butler
Clarke—Place No. 1—Joe C. McCorquodale, Jr.	Jackson
Place No. 2—Roland H. Bounds (Resigned July 8, 1959)	
	Box 458, Thomasville
Clay—Kenneth F. Ingram	Ashland
Cleburne—John S. Casey	Box 266, Heflin
Coffee—Drexel Cook	Elba
Colbert—Kenneth H. Bishop	Route 2, Cherokee
Conecuh—Wiley Salter	Evergreen
Coosa—Charles R. Franklin	Goodwater
Covington—Fletcher Jones	Box 741, Andalusia
Crenshaw—Guy Owens	Luverne
Cullman—John J. Guthrie	Route 3, Cullman
Dale—Henry B. Steagall, II	Box 226, Ozark
Dallas—Place No. 1—M. D. (Pete) Gilmer	Marion Junction
Place No. 2—Frank Hardy	Route 6, Box 300, Selma
Place No. 3—B. V. Hain	Box 155, Selma
DeKalb—Robert E. Harris	2900 Ala. Ave., S. W., Fort Payne

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

Elmore—Place No. 1—Leonard Johnston.....	Wetumpka
Place No. 2—Hardaway Johnson.....	Eclectic
Escambia—Hugh Rozelle.....	Bank of Atmore Bldg., Atmore
Etowah—Place No. 1—Buford L. Copeland.....	524 Chestnut St., Gadsden
Place No. 2—E. K. Hanby.....	403 Noojin Bldg., Gadsden
Fayette—James A. Branyon, II.....	Box 600, Fayette
Franklin—W. E. Oden.....	402 High Street, Russellville
Geneva—Roland R. Faulk.....	Samson
Greene—W. L. Martin, Jr.....	Eutaw
Hale—Place No. 1—Richard M. Avery.....	Greensboro
Place No. 2—Charles H. Ramey.....	Akron
Henry—Place No. 1—Emory R. ("Em") Solomon.....	Headland
Place No. 2—W. Ralph Chambers.....	Route 1, Columbia
Houston—Charles H. Adams.....	Box 975, Dothan
Jackson—Place No. 1—W. Wallace Gross.....	Scottsboro
Place No. 2—Bernard Cabiness.....	103 Appletree St., Scottsboro
Jefferson—	
J. K. (Jess) Edwards.....	3612 Huntsville Ave., Brighton
John H. Hawkins, Jr.....	1841 Montclair Drive, Birmingham
Hugh A. Locke, Jr.....	923 Frank Nelson Bldg., Birmingham
Hugh Morrow, III.....	214 Woodward Bldg., Birmingham 3
Walter Emmett Perry, Jr.....	610 Frank Nelson Bldg., B'ham
Holt Rast.....	Box 1491, Birmingham
Tram Sessions.....	The Liberty National Life Ins. Co., Bldg., Birmingham
Lamar—Jack Hankins.....	Vernon
Lauderdale—Place No. 1—Robert H. Broadfoot.....	302 W. Alabama St., Florence
Place No. 2—Charles G. Long.....	Box 297, Florence
Lawrence—Bruce W. Dodd.....	Route 3, Moulton
Lee—Place No. 1—Clement C. Torbert, Jr.....	Opelika National Bank Bldg., Opelika
Place No. 2—Pete Turnham.....	606 Moore Mill Road, Auburn
Limestone—Granville N. Turner.....	Route 2, Toney
Lowndes—Place No. 1—Robert S. Dickson, Jr.....	Lowndesboro
Place No. 2—A. J. (Jack) Brooks.....	Box 46, Fort Deposit

**ROSTER OF THE HOUSE OF REPRESENTATIVES OF
ALABAMA—Continued**

Macon—Grady Rogers.....	Route 1, Tuskegee
Madison—Place No. 1—N. L. (Luke) Reynolds.....	2225 California St., Huntsville
Place No. 2—Roscoe Roberts, Jr.....	Terry-Hutchens Bldg., Huntsville
Marengo—Place No. 1—V. Buren Daniel.....	Nanafalia
Place No. 2—Charles B. Grant, Jr.....	RFD, Demopolis
Marion—John “Pete” Self.....	Box 597, Hamilton
Marshall—Olin C. Hearn.....	Box 31, Albertville
Mobile—Place No. 1—John A. Murphy.....	817 First Nat’l Bank Bldg., Mobile
Place No. 2—Joseph M. Hocklander.....	302 First Federal Savings Bldg., Mobile
Place No. 3—Charles S. Trimmier.....	Box 1133, Mobile
Monroe—Ralph L. Jones.....	Monroeville
Montgomery—Place No. 1—Alfred W. Goldthwaite.....	26 So. Perry St., Montgomery
Place No. 2—O. J. (Joe) Goodwyn.....	325 Bell Bldg., Montgomery
Place No. 3—George F. (Bubber) Bailey.....	2144 Meadow Lane Drive, Montgomery
Place No. 4—J. J. (Junie) Pierce.....	2038 Myrtlewood Drive, Montgomery
Morgan—Place No. 1—Albert P. Brewer.....	Box 1487, Decatur
Place No. 2—Bob Gilchrist.....	504 Short Street, Hartselle
Perry—Place No. 1—Roy A. Barnett.....	Marion
Place No. 2—T. R. Long.....	Uniontown
Pickens—Ulie B. Sullivan.....	Carrollton
Pike—Place No. 1—L. Gardner Bassett.....	206 Orange St., Troy
Place No. 2—A. L. (Pat) Boyd.....	Box 454, Troy
Randolph—J. M. Jenkins.....	Box 384, Roanoke
Russell—Place No. 1—Homer W. Cornett.....	Box 88, Phenix City
Place No. 2—Joseph W. Smith.....	Box 464, Phenix City
St. Clair—R. Rush (Doc) Smith.....	Ashville
Shelby—John Lewis Cates.....	Columbiana

**ROSTER OF THE HOUSE OF REPRESENTATIVES OF
ALABAMA—Continued**

Sumter—Place No. 1—Jesse E. Harvey.....	Cuba
Place No. 2—Ira D. Pruitt.....	Livingston
Talladega—Place No. 1—Bill Nichols.....	Sylacauga
Place No. 2—Ashley L. Camp, Jr.....	Box 491, Talladega
Tallapoosa—Place No. 1—Charles C. Adams.....	Alexander City
Place No. 2—J. T. (Tom) Johnson.....	Route 1, Notasulga
Tuscaloosa—Place No. 1—A. K. (Temo) Callahan.....	913 First Nat'l. Bank Bldg., Tuscaloosa
Place No. 2—Arthur Louis Ferguson.....	2805 16th Ave., Northport
Walker—Place No. 1—Alonzo Shumate.....	Box 63, Jasper
Place No. 2—Tom Bevill.....	Jasper
Washington—A. D. Britton, Jr.....	Box 1111, Millry
Wilcox—Place No. 1—Sam C. Nettles, Jr.....	Arlington
Place No. 2—Gregory Oakley.....	Pine Apple
Winston—H. E. (Pete) Ray.....	Haleyville

Annuity Table showing the current present cash value of an annuity of one hundred dollars per month, month by month from two to four hundred eighty months at 2%, 2½%, 3%, 3½%, 4%, 4½%, 5%, 5½%, and 6%. As provided in Act No. 456, Approved August 31, 1953.

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
1	99.83	99.79	99.75	99.70	99.66	99.62	99.58	99.54	99.50
2	199.50	199.37	199.25	199.12	199.00	198.88	198.75	198.63	198.50
3	299.00	298.75	298.50	298.25	298.01	297.76	297.51	297.27	297.02
4	398.33	397.92	397.51	397.10	396.68	396.27	395.86	395.45	395.04
5	497.50	496.89	496.27	495.65	495.03	494.42	493.81	493.19	492.58
6	596.15	595.64	594.78	593.92	593.06	592.20	591.34	590.49	589.63
7	695.35	694.20	693.05	691.90	690.75	689.61	688.47	687.34	686.20
8	794.03	792.55	791.07	789.60	788.13	786.66	785.20	783.74	782.29
9	892.54	890.69	888.85	887.01	885.18	883.35	881.53	879.71	877.90
10	990.89	988.63	986.38	984.14	981.90	979.68	977.46	975.24	973.04
11	1,089.07	1,086.37	1,083.67	1,080.99	1,078.31	1,075.64	1,072.98	1,070.34	1,067.70
12	1,187.10	1,183.90	1,180.72	1,177.55	1,174.39	1,171.25	1,168.12	1,165.00	1,161.89
13	1,284.95	1,281.23	1,277.53	1,273.84	1,270.16	1,266.50	1,262.86	1,259.23	1,255.61
14	1,382.65	1,378.36	1,374.09	1,369.84	1,365.61	1,361.40	1,357.20	1,353.02	1,348.87
15	1,480.18	1,475.29	1,470.42	1,465.57	1,460.74	1,455.94	1,451.15	1,446.39	1,441.66
16	1,577.55	1,572.01	1,566.50	1,561.01	1,555.55	1,550.12	1,544.72	1,539.34	1,533.99
17	1,674.76	1,668.54	1,662.34	1,656.18	1,650.05	1,643.96	1,637.89	1,631.86	1,625.86
18	1,771.18	1,764.86	1,757.95	1,751.08	1,744.24	1,737.44	1,730.68	1,723.96	1,717.27
19	1,868.69	1,860.98	1,853.32	1,845.69	1,838.11	1,830.58	1,823.09	1,815.64	1,808.23
20	1,965.42	1,956.91	1,948.44	1,940.03	1,931.67	1,923.36	1,915.11	1,906.90	1,898.74
21	2,061.98	2,052.63	2,043.34	2,034.10	2,024.92	2,015.81	2,006.74	1,997.74	1,988.79
22	2,158.38	2,148.15	2,137.99	2,127.89	2,117.86	2,107.90	2,098.00	2,088.17	2,078.40
23	2,254.63	2,243.48	2,232.41	2,221.42	2,210.50	2,199.65	2,188.88	2,178.19	2,167.56
24	2,350.71	2,338.61	2,326.59	2,314.66	2,302.82	2,291.06	2,279.38	2,267.79	2,256.28
25	2,446.63	2,433.54	2,420.54	2,407.64	2,394.84	2,382.13	2,369.51	2,356.99	2,344.56
26	2,542.39	2,528.27	2,514.26	2,500.35	2,486.55	2,472.85	2,459.26	2,445.78	2,432.40
27	2,638.00	2,622.81	2,607.74	2,592.79	2,577.96	2,563.24	2,548.65	2,534.16	2,519.80
28	2,733.44	2,717.15	2,700.98	2,684.96	2,669.06	2,653.29	2,637.66	2,622.15	2,606.76
29	2,828.73	2,811.29	2,794.00	2,776.86	2,759.86	2,743.01	2,726.30	2,709.73	2,693.30
30	2,923.85	2,905.24	2,886.78	2,868.49	2,850.36	2,832.38	2,814.57	2,796.91	2,779.40

31	3,018.82	2,998.99	2,979.33	2,959.86	2,940.56	2,921.43	2,902.47	2,883.69	2,865.08
32	3,113.63	3,092.55	3,071.65	3,050.96	3,030.45	3,010.14	2,990.02	2,970.08	2,950.32
33	3,208.29	3,185.91	3,163.75	3,141.79	3,120.05	3,098.52	3,077.19	3,056.07	3,035.15
34	3,302.78	3,279.08	3,255.61	3,232.37	3,209.36	3,186.57	3,164.01	3,141.67	3,119.55
35	3,397.12	3,372.05	3,347.24	3,322.68	3,298.36	3,274.29	3,250.47	3,226.88	3,203.53
36	3,491.30	3,464.83	3,438.64	3,412.72	3,387.07	3,361.69	3,336.57	3,311.70	3,287.10
37	3,585.33	3,557.42	3,529.82	3,502.51	3,475.49	3,448.75	3,422.31	3,396.14	3,370.25
38	3,679.19	3,649.82	3,620.77	3,592.03	3,563.61	3,535.50	3,507.69	3,480.19	3,452.98
39	3,772.91	3,742.02	3,711.49	3,681.29	3,651.44	3,621.91	3,592.72	3,563.85	3,535.30
40	3,866.46	3,834.03	3,801.98	3,770.30	3,738.97	3,708.01	3,677.40	3,647.14	3,617.22
41	3,959.86	3,925.86	3,892.25	3,859.04	3,826.22	3,793.78	3,761.72	3,730.04	3,698.72
42	4,053.11	4,017.49	3,982.29	3,947.53	3,913.18	3,879.24	3,845.70	3,812.57	3,779.83
43	4,146.20	4,108.93	4,072.11	4,035.76	3,999.84	3,964.37	3,929.33	3,894.71	3,860.52
44	4,239.13	4,200.18	4,161.71	4,123.73	4,086.22	4,049.18	4,012.61	3,976.49	3,940.82
45	4,331.91	4,291.24	4,251.08	4,211.44	4,172.31	4,133.68	4,095.54	4,057.89	4,020.71
46	4,424.54	4,382.11	4,340.23	4,298.91	4,258.12	4,217.87	4,178.14	4,138.92	4,100.21
47	4,517.01	4,472.79	4,429.16	4,386.11	4,343.64	4,301.73	4,260.38	4,219.58	4,179.32
48	4,609.33	4,563.28	4,517.86	4,473.07	4,428.88	4,385.29	4,342.29	4,299.87	4,258.03
49	4,701.49	4,653.59	4,606.35	4,559.77	4,513.83	4,468.53	4,423.86	4,379.80	4,336.35
50	4,793.50	4,743.70	4,694.61	4,646.22	4,598.50	4,551.46	4,505.09	4,459.36	4,414.27
51	4,885.36	4,833.63	4,782.66	4,732.41	4,682.89	4,634.09	4,585.98	4,538.56	4,491.81
52	4,977.06	4,923.38	4,870.48	4,818.36	4,767.00	4,716.40	4,666.53	4,617.40	4,568.97
53	5,068.62	5,012.93	4,958.08	4,904.06	4,850.83	4,798.41	4,746.76	4,695.87	4,645.74
54	5,160.02	5,102.30	5,045.47	4,989.50	4,934.39	4,880.11	4,826.65	4,773.99	4,722.13
55	5,251.26	5,191.49	5,132.64	5,074.70	5,017.66	4,961.50	4,906.20	4,851.75	4,798.14
56	5,342.36	5,280.49	5,219.59	5,159.65	5,100.66	5,042.59	4,985.43	4,929.16	4,873.77
57	5,433.30	5,369.30	5,306.32	5,244.36	5,183.38	5,123.38	5,064.33	5,006.22	4,949.03
58	5,524.10	5,457.93	5,392.84	5,328.81	5,265.83	5,203.86	5,142.90	5,082.92	5,023.91
59	5,614.74	5,546.37	5,479.14	5,413.03	5,348.00	5,284.05	5,221.15	5,159.27	5,098.41
60	5,705.23	5,634.64	5,565.23	5,496.99	5,429.90	5,363.93	5,299.07	5,235.28	5,172.55
61	5,795.57	5,722.71	5,651.10	5,580.72	5,511.53	5,443.52	5,376.66	5,310.94	5,246.32
62	5,885.76	5,810.61	5,736.76	5,664.20	5,592.89	5,522.81	5,453.94	5,386.25	5,319.72
63	5,975.80	5,898.32	5,822.21	5,747.43	5,673.97	5,601.80	5,530.89	5,461.22	5,392.76
64	6,065.69	5,985.85	5,907.44	5,830.43	5,754.79	5,680.50	5,607.53	5,535.85	5,465.43
65	6,155.43	6,073.20	5,992.46	5,913.18	5,835.34	5,758.90	5,683.85	5,610.13	5,537.74

ANNUITY TABLE, Continued

Month	2%	2½ %	3%	3½ %	4%	4½ %	5%	5½ %	6%
66	6,245.03	6,160.36	6,077.26	5,995.69	5,915.62	5,837.02	5,759.85	5,684.08	5,609.69
67	6,334.47	6,247.35	6,161.86	6,077.97	5,995.64	5,914.84	5,835.53	5,757.69	5,681.29
68	6,423.76	6,334.15	6,246.24	6,160.00	6,075.38	5,992.36	5,910.90	5,830.97	5,752.52
69	6,512.91	6,420.77	6,330.42	6,241.79	6,154.87	6,069.60	5,985.96	5,903.91	5,823.41
70	6,601.90	6,507.22	6,414.38	6,323.35	6,234.09	6,146.55	6,060.71	5,976.51	5,893.94
71	6,690.75	6,593.48	6,498.14	6,404.67	6,313.04	6,223.22	6,135.14	6,048.79	5,964.12
72	6,779.45	6,679.57	6,581.68	6,485.75	6,391.74	6,299.59	6,209.27	6,120.74	6,033.95
73	6,868.01	6,765.47	6,665.02	6,566.60	6,470.17	6,375.68	6,283.09	6,192.36	6,103.43
74	6,956.14	6,851.20	6,748.15	6,647.21	6,548.34	6,451.49	6,356.61	6,263.65	6,172.57
75	7,044.67	6,936.75	6,831.07	6,727.59	6,626.26	6,527.01	6,429.82	6,334.61	6,241.36
76	7,132.78	7,022.12	6,913.79	6,807.74	6,703.91	6,602.26	6,502.72	6,405.26	6,309.81
77	7,220.75	7,107.31	6,996.29	6,887.65	6,781.31	6,677.22	6,575.32	6,475.58	6,377.92
78	7,308.57	7,192.33	7,078.60	6,967.32	6,858.44	6,751.90	6,647.63	6,545.58	6,445.69
79	7,396.24	7,277.16	7,160.70	7,046.77	6,935.33	6,826.30	6,719.63	6,615.26	6,513.13
80	7,483.77	7,361.83	7,242.59	7,125.99	7,011.95	6,900.42	6,791.33	6,684.62	6,580.23
81	7,571.15	7,446.31	7,324.28	7,204.97	7,088.33	6,974.27	6,862.74	6,753.66	6,646.99
82	7,658.38	7,530.63	7,405.77	7,283.73	7,164.44	7,047.84	6,933.84	6,822.39	6,713.42
83	7,745.48	7,614.76	7,487.05	7,362.26	7,240.31	7,121.13	7,004.66	6,890.81	6,779.53
84	7,832.42	7,698.72	7,568.13	7,440.55	7,315.92	7,194.16	7,075.18	6,958.92	6,845.30
85	7,919.22	7,782.51	7,649.00	7,518.62	7,391.29	7,266.91	7,145.41	7,026.71	6,910.75
86	8,005.88	7,866.12	7,729.68	7,596.47	7,466.40	7,339.38	7,215.34	7,094.20	6,975.87
87	8,092.39	7,949.56	7,810.15	7,674.09	7,541.26	7,411.59	7,284.99	7,161.37	7,040.66
88	8,178.76	8,032.82	7,890.43	7,751.48	7,615.87	7,483.53	7,354.34	7,228.24	7,105.14
89	8,264.99	8,115.92	7,970.50	7,828.64	7,690.24	7,555.19	7,423.41	7,294.81	7,169.29
90	8,351.07	8,198.84	8,050.38	7,905.59	7,764.36	7,626.59	7,492.20	7,361.07	7,233.13
91	8,437.01	8,281.58	8,130.05	7,982.30	7,838.23	7,697.73	7,560.69	7,427.03	7,296.64
92	8,522.80	8,364.16	8,209.53	8,058.80	7,911.86	7,768.60	7,628.91	7,492.69	7,359.84
93	8,608.45	8,446.56	8,288.81	8,135.07	7,985.24	7,839.20	7,696.84	7,558.05	7,422.73
94	8,693.96	8,528.79	8,367.89	8,211.12	8,058.38	7,909.54	7,764.48	7,623.11	7,485.30
95	8,779.33	8,610.85	8,446.77	8,286.95	8,131.27	7,979.61	7,831.85	7,687.87	7,547.56
96	8,864.56	8,692.74	8,525.46	8,362.56	8,203.93	8,049.43	7,898.94	7,752.34	7,609.52
97	8,949.64	8,774.46	8,603.95	8,437.95	8,276.34	8,118.98	7,965.75	7,816.51	7,671.16
98	9,034.58	8,856.01	8,682.24	8,513.12	8,348.51	8,188.28	8,032.28	7,880.40	7,732.50

99	9,119.38	8,937.39	8,760.34	8,588.07	8,420.44	8,257.31	8,098.54	7,943.99	7,793.53
100	9,204.04	9,018.60	8,838.24	8,662.81	8,492.14	8,326.09	8,164.52	8,007.29	7,854.26
101	9,288.56	9,099.65	8,915.95	8,737.32	8,563.59	8,394.61	8,230.23	8,070.30	7,914.69
102	9,372.94	9,180.52	8,993.47	8,811.62	8,634.81	8,462.87	8,295.66	8,133.02	7,974.81
103	9,457.18	9,261.23	9,070.79	8,885.70	8,705.79	8,530.88	8,360.82	8,195.46	8,034.64
104	9,541.28	9,341.76	9,147.92	8,959.57	8,776.53	8,598.64	8,425.72	8,257.61	8,094.17
105	9,625.24	9,422.13	9,224.86	9,033.23	8,847.04	8,666.14	8,490.34	8,319.48	8,153.40
106	9,709.05	9,502.34	9,301.61	9,106.66	8,917.32	8,733.39	8,554.69	8,381.07	8,212.34
107	9,792.73	9,582.37	9,378.16	9,179.89	8,987.36	8,800.39	8,618.78	8,442.37	8,270.98
108	9,876.27	9,662.24	9,454.53	9,252.90	9,057.17	8,867.14	8,682.61	8,503.40	8,329.34
109	9,959.67	9,741.95	9,530.70	9,325.70	9,126.75	8,933.63	8,746.16	8,564.15	8,387.40
110	10,042.94	9,821.49	9,606.68	9,398.29	9,196.10	8,999.88	8,809.46	8,624.62	8,445.17
111	10,126.06	9,900.86	9,682.48	9,470.67	9,265.21	9,065.89	8,872.49	8,684.81	8,502.66
112	10,209.04	9,980.07	9,758.08	9,542.83	9,334.10	9,131.64	8,935.26	8,744.73	8,559.86
113	10,291.89	10,059.11	9,833.50	9,614.79	9,402.75	9,197.15	8,997.77	8,804.38	8,616.78
114	10,374.60	10,137.99	9,908.72	9,686.54	9,471.18	9,262.42	9,060.02	8,863.75	8,673.41
115	10,457.17	10,216.71	9,983.77	9,758.08	9,539.39	9,327.44	9,122.01	8,922.86	8,729.76
116	10,539.60	10,295.26	10,058.62	9,829.41	9,607.36	9,392.22	9,183.74	8,981.69	8,785.83
117	10,621.90	10,373.65	10,133.29	9,900.53	9,675.11	9,456.76	9,245.22	9,040.26	8,841.62
118	10,704.06	10,451.87	10,207.77	9,971.45	9,742.64	9,521.06	9,306.44	9,098.55	8,897.14
119	10,786.08	10,529.93	10,282.06	10,042.16	9,809.94	9,585.11	9,367.41	9,156.59	8,952.38
120	10,867.97	10,607.83	10,356.17	10,112.66	9,877.01	9,648.93	9,428.13	9,214.35	9,007.34
121	10,949.72	10,685.57	10,430.10	10,182.96	9,943.87	9,712.51	9,488.59	9,271.86	9,062.03
122	11,031.34	10,763.15	10,503.84	10,253.06	10,010.50	9,775.85	9,548.81	9,329.10	9,116.45
123	11,112.81	10,840.57	10,577.39	10,322.95	10,076.91	9,838.95	9,608.77	9,386.08	9,170.59
124	11,194.16	10,917.82	10,650.77	10,392.64	10,143.10	9,901.82	9,668.49	9,442.80	9,224.47
125	11,275.37	10,994.91	10,723.96	10,462.12	10,209.07	9,964.45	9,727.95	9,499.26	9,278.08
126	11,356.44	11,071.85	10,796.96	10,531.41	10,274.82	10,026.85	9,787.17	9,555.47	9,331.42
127	11,437.38	11,148.62	10,869.79	10,600.49	10,340.35	10,089.02	9,846.15	9,611.41	9,384.50
128	11,518.18	11,225.24	10,942.43	10,669.37	10,405.66	10,150.95	9,904.88	9,667.11	9,437.32
129	11,598.85	11,301.69	11,014.89	10,738.05	10,470.76	10,212.65	9,963.36	9,722.54	9,489.87
130	11,679.38	11,377.99	11,087.18	10,806.53	10,535.64	10,274.13	10,021.61	9,777.73	9,542.16
131	11,759.78	11,454.12	11,159.28	10,874.81	10,600.31	10,335.37	10,079.61	9,832.66	9,594.18
132	11,840.05	11,530.10	11,231.20	10,942.90	10,664.76	10,396.38	10,137.37	9,887.35	9,645.95
133	11,920.18	11,605.92	11,302.94	11,010.78	10,729.00	10,457.17	10,194.89	9,941.78	9,697.47

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
134	12,000.18	11,681.59	11,374.51	11,078.47	10,793.02	10,517.73	10,252.17	9,995.96	9,748.72
135	12,080.05	11,757.09	11,445.89	11,145.96	10,856.83	10,578.06	10,309.22	10,049.90	9,799.73
136	12,159.78	11,832.44	11,517.10	11,213.25	10,920.43	10,638.16	10,366.03	10,103.59	9,850.47
137	12,239.38	11,907.63	11,588.13	11,280.35	10,983.82	10,698.05	10,422.60	10,157.04	9,900.97
138	12,318.85	11,982.67	11,658.98	11,347.26	11,046.99	10,757.71	10,478.94	10,210.24	9,951.12
139	12,398.19	12,057.55	11,729.66	11,413.97	11,109.96	10,817.14	10,535.04	10,263.20	10,001.21
140	12,477.39	12,132.27	11,800.16	11,480.48	11,172.72	10,876.35	10,590.91	10,315.92	10,050.95
141	12,556.46	12,206.84	11,870.48	11,546.80	11,235.27	10,935.35	10,646.55	10,368.40	10,100.45
142	12,635.41	12,281.26	11,940.63	11,612.93	11,297.61	10,994.12	10,701.96	10,420.64	10,149.70
143	12,714.21	12,355.52	12,010.60	11,678.87	11,359.74	11,052.67	10,757.14	10,472.64	10,198.71
144	12,792.89	12,429.62	12,080.40	11,744.61	11,421.67	11,111.01	10,812.09	10,524.40	10,247.47
145	12,871.44	12,503.57	12,150.03	11,810.17	11,483.39	11,169.12	10,866.81	10,575.93	10,295.99
146	12,949.86	12,577.37	12,219.48	11,875.53	11,544.91	11,227.02	10,921.30	10,627.22	10,344.27
147	13,028.14	12,651.01	12,288.76	11,940.70	11,606.22	11,284.70	10,975.57	10,678.28	10,392.31
148	13,106.30	12,724.50	12,357.86	12,005.69	11,667.33	11,342.17	11,029.61	10,729.11	10,440.11
149	13,184.33	12,797.84	12,426.79	12,070.48	11,728.24	11,399.42	11,083.43	10,779.70	10,487.67
150	13,262.22	12,871.03	12,495.56	12,135.09	11,788.94	11,456.46	11,137.03	10,830.06	10,534.99
151	13,339.94	12,944.06	12,564.15	12,199.51	11,849.44	11,513.28	11,190.40	10,880.19	10,582.08
152	13,417.63	13,016.94	12,632.56	12,263.74	11,909.74	11,569.90	11,243.55	10,930.10	10,628.94
153	13,495.13	13,089.67	12,700.81	12,327.78	11,969.84	11,626.30	11,296.49	10,979.77	10,675.56
154	13,572.51	13,162.25	12,768.89	12,391.64	12,029.74	11,682.49	11,349.20	11,029.22	10,721.95
155	13,649.76	13,234.68	12,836.80	12,455.31	12,089.45	11,738.47	11,401.69	11,078.45	10,768.11
156	13,726.89	13,306.96	12,904.54	12,518.80	12,148.95	11,794.24	11,453.97	11,127.44	10,814.04
157	13,803.88	13,379.08	12,972.11	12,582.10	12,203.25	11,849.80	11,506.02	11,176.22	10,859.74
158	13,880.75	13,451.06	13,039.51	12,645.22	12,267.36	11,905.16	11,557.87	11,224.77	10,905.21
159	13,957.48	13,522.89	13,106.74	12,708.15	12,326.28	11,960.31	11,609.49	11,273.11	10,950.46
160	14,034.09	13,594.56	13,173.81	12,770.90	12,384.99	12,015.25	11,660.91	11,321.22	10,995.48
161	14,110.57	13,666.09	13,240.70	12,833.47	12,443.51	12,069.99	11,712.11	11,369.11	11,040.28
162	14,186.93	13,737.47	13,307.44	12,895.86	12,501.84	12,124.52	11,763.09	11,416.78	11,084.86
163	14,263.16	13,808.71	13,374.00	12,958.07	12,559.97	12,178.85	11,813.87	11,464.24	11,129.21
164	14,339.26	13,879.79	13,440.40	13,020.09	12,617.91	12,232.98	11,864.43	11,511.48	11,173.35
165	14,415.23	13,950.73	13,506.63	13,081.93	12,675.66	12,286.90	11,914.79	11,558.50	11,217.26

166	14,491.08	14,021.51	13,572.70	13,143.60	12,733.22	12,340.63	11,964.93	11,605.31	11,260.95
167	14,566.80	14,092.16	13,638.60	13,205.08	12,790.58	12,394.15	12,014.87	11,651.90	11,304.43
168	14,642.40	14,162.65	13,704.34	13,266.39	12,847.76	12,447.47	12,064.60	11,698.29	11,347.69
169	14,717.87	14,233.00	13,769.92	13,327.52	12,904.74	12,500.59	12,114.13	11,744.46	11,390.74
170	14,793.21	14,303.20	13,835.33	13,388.47	12,961.54	12,553.52	12,163.45	11,790.42	11,433.57
171	14,868.43	14,373.25	13,900.58	13,449.24	13,018.14	12,606.24	12,212.56	11,836.17	11,476.19
172	14,943.53	14,443.16	13,965.66	13,509.84	13,074.56	12,658.77	12,261.47	11,881.71	11,518.60
173	15,018.50	14,512.93	14,030.59	13,570.26	13,130.79	12,711.11	12,310.18	11,927.05	11,560.79
174	15,093.34	14,582.55	14,095.35	13,630.50	13,186.84	12,763.24	12,358.68	11,972.17	11,602.78
175	15,168.06	14,652.02	14,159.95	13,690.57	13,242.69	12,815.19	12,406.99	12,017.09	11,644.56
176	15,242.66	14,721.35	14,224.39	13,750.47	13,298.36	12,866.94	12,455.09	12,061.81	11,686.13
177	15,317.13	14,790.54	14,288.67	13,810.19	13,353.85	12,918.49	12,503.00	12,106.32	11,727.49
178	15,391.48	14,859.58	14,352.79	13,869.73	13,409.15	12,969.85	12,550.70	12,150.63	11,768.65
179	15,465.70	14,928.48	14,416.74	13,929.11	13,464.27	13,021.03	12,598.21	12,194.74	11,809.60
180	15,539.80	14,997.24	14,480.54	13,988.31	13,519.21	13,072.01	12,645.52	12,238.65	11,850.35
181	15,613.78	15,065.85	14,544.18	14,047.34	13,573.96	13,122.79	12,692.63	12,282.35	11,890.89
182	15,687.63	15,134.32	14,607.66	14,106.19	13,628.53	13,173.39	12,739.55	12,325.86	11,931.24
183	15,761.36	15,202.65	14,670.99	14,164.88	13,682.93	13,223.81	12,786.28	12,369.17	11,971.38
184	15,834.97	15,270.83	14,734.15	14,223.39	13,737.13	13,274.03	12,832.81	12,412.28	12,011.32
185	15,908.46	15,338.88	14,797.16	14,281.74	13,791.16	13,324.06	12,879.14	12,455.19	12,051.07
186	15,981.82	15,406.78	14,860.01	14,339.91	13,845.01	13,373.91	12,925.29	12,497.91	12,090.61
187	16,055.06	15,474.54	14,922.70	14,397.92	13,898.69	13,423.57	12,971.24	12,540.43	12,129.96
188	16,128.18	15,542.16	14,985.24	14,455.76	13,952.18	13,473.05	13,017.00	12,582.76	12,169.12
189	16,201.18	15,609.64	15,047.62	14,513.43	14,005.49	13,522.34	13,062.58	12,624.90	12,208.08
190	16,274.06	15,676.98	15,109.84	14,570.93	14,058.63	13,571.45	13,107.96	12,666.84	12,246.84
191	16,346.81	15,744.18	15,171.91	14,628.26	14,111.59	13,620.37	13,153.15	12,708.59	12,285.42
192	16,419.45	15,811.24	15,233.83	14,685.43	14,164.38	13,669.11	13,198.16	12,750.15	12,323.80
193	16,491.96	15,878.16	15,295.59	14,742.43	14,216.99	13,717.67	13,242.98	12,791.53	12,361.99
194	16,564.35	15,944.94	15,357.20	14,799.27	14,269.42	13,766.05	13,287.62	12,832.71	12,399.99
195	16,636.62	16,011.59	15,418.65	14,855.94	14,321.68	13,814.24	13,332.07	12,873.71	12,437.80
196	16,708.78	16,078.09	15,479.95	14,912.44	14,373.77	13,862.26	13,376.33	12,914.51	12,475.42
197	16,780.81	16,144.46	15,541.10	14,968.78	14,425.69	13,910.10	13,420.41	12,955.14	12,512.86
198	16,852.72	16,210.68	15,602.09	15,024.96	14,477.43	13,957.76	13,464.31	12,995.57	12,550.11
199	16,924.51	16,276.77	15,662.93	15,080.97	14,529.00	14,005.24	13,508.03	13,035.83	12,587.17
200	16,996.19	16,342.73	15,723.63	15,136.82	14,580.40	14,052.54	13,551.56	13,075.89	12,624.05

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
201	17,067.74	16,408.54	15,784.17	15,192.51	14,631.62	14,099.66	13,594.92	13,115.78	12,660.75
202	17,139.17	16,474.22	15,844.55	15,248.04	14,682.68	14,146.61	13,638.09	13,155.48	12,697.26
203	17,210.49	16,539.76	15,904.79	15,303.40	14,733.57	14,193.39	13,681.09	13,195.01	12,733.59
204	17,281.69	16,605.17	15,964.88	15,358.61	14,784.29	14,239.99	13,723.91	13,234.35	12,769.74
205	17,352.77	16,670.44	16,024.82	15,413.65	14,834.84	14,286.42	13,766.55	13,273.51	12,805.72
206	17,423.73	16,735.57	16,084.61	15,468.54	14,885.22	14,332.67	13,809.01	13,312.50	12,841.51
207	17,494.57	16,800.57	16,144.25	15,523.26	14,935.44	14,378.75	13,851.29	13,351.30	12,877.12
208	17,565.29	16,865.44	16,203.74	15,577.82	14,985.49	14,424.66	13,893.40	13,389.93	12,912.56
209	17,635.90	16,930.16	16,263.08	15,632.23	15,035.37	14,470.39	13,935.34	13,428.39	12,947.82
210	17,706.39	16,994.76	16,322.27	15,686.48	15,085.08	14,515.96	13,977.10	13,466.66	12,982.91
211	17,776.76	17,059.22	16,381.32	15,740.57	15,134.64	14,561.35	14,018.69	13,504.77	13,017.82
212	17,847.02	17,123.54	16,440.22	15,794.50	15,184.02	14,606.58	14,060.11	13,542.70	13,052.55
213	17,917.15	17,187.74	16,498.97	15,848.28	15,233.24	14,651.63	14,101.35	13,580.45	13,087.12
214	17,987.18	17,215.18	16,557.58	15,901.90	15,282.30	14,696.52	14,142.43	13,618.04	13,121.51
215	18,057.08	17,315.72	16,616.04	15,955.36	15,331.20	14,741.24	14,183.33	13,655.45	13,155.73
216	18,126.87	17,379.51	16,674.35	16,008.67	15,379.93	14,785.79	14,224.06	13,692.69	13,189.78
217	18,196.54	17,443.17	16,732.52	16,061.82	15,428.50	14,830.18	14,264.63	13,729.76	13,223.66
218	18,266.10	17,506.70	16,790.54	16,114.82	15,476.91	14,874.40	14,305.02	13,766.67	13,257.38
219	18,335.54	17,570.10	16,848.42	16,167.66	15,525.16	14,918.46	14,345.25	13,803.40	13,290.92
220	18,404.86	17,633.36	16,906.16	16,220.35	15,573.25	14,962.35	14,385.31	13,839.97	13,324.30
221	18,474.07	17,696.49	16,963.75	16,272.89	15,621.18	15,006.08	14,425.21	13,876.37	13,357.51
222	18,543.17	17,759.49	17,021.20	16,325.28	15,668.95	15,049.64	14,464.93	13,912.60	13,390.56
223	18,612.15	17,822.36	17,078.50	16,377.51	15,716.56	15,093.04	14,504.50	13,948.67	13,423.44
224	18,681.01	17,885.10	17,135.66	16,429.59	15,764.02	15,136.28	14,543.90	13,984.57	13,456.16
225	18,749.76	17,947.71	17,192.68	16,481.52	15,811.31	15,179.36	14,583.14	14,020.31	13,488.72
226	18,818.40	18,010.19	17,249.55	16,533.29	15,858.45	15,222.27	14,622.21	14,055.89	13,521.11
227	18,886.92	18,072.54	17,306.29	16,584.92	15,905.43	15,265.03	14,661.12	14,091.31	13,553.35
228	18,955.33	18,134.76	17,362.88	16,636.40	15,952.26	15,307.63	14,699.87	14,126.56	13,585.42
229	19,023.62	18,196.85	17,419.33	16,687.73	15,998.93	15,350.06	14,738.46	14,161.65	13,617.33
230	19,091.80	18,258.81	17,475.64	16,738.91	16,045.44	15,392.34	14,776.89	14,196.58	13,649.09
231	19,159.87	18,320.64	17,531.81	16,789.93	16,091.81	15,434.46	14,815.16	14,231.36	13,680.68
232	19,227.82	18,382.35	17,587.84	16,840.82	16,138.01	15,476.43	14,853.27	14,265.97	13,712.12

233	19,295.66	18,443.92	17,643.74	16,891.55	16,184.06	15,518.23	14,891.23	14,300.43	13,743.41
234	19,363.39	18,505.37	17,699.49	16,942.13	16,229.96	15,559.88	14,929.02	14,334.73	13,774.53
235	19,431.01	18,566.69	17,755.10	16,992.57	16,275.71	15,601.38	14,966.66	14,368.87	13,805.51
236	19,498.51	18,627.88	17,810.57	17,042.86	16,321.31	15,642.72	15,004.14	14,402.86	13,836.32
237	19,565.90	18,688.94	17,865.91	17,093.01	16,366.75	15,683.90	15,041.47	14,436.69	13,866.99
238	19,633.18	18,749.88	17,921.10	17,143.01	16,412.05	15,724.94	15,078.64	14,470.37	13,897.50
239	19,700.34	18,810.69	17,976.16	17,192.86	16,457.19	15,765.81	15,115.66	14,503.89	13,927.86
240	19,767.40	18,871.38	18,031.09	17,242.57	16,502.18	15,806.54	15,152.53	14,537.26	13,958.07
241	19,834.34	18,931.94	18,085.87	17,292.14	16,547.02	15,847.11	15,189.24	14,570.48	13,988.13
242	19,901.17	18,992.37	18,140.52	17,341.56	16,591.72	15,887.53	15,225.80	14,603.55	14,018.04
243	19,967.89	19,052.68	18,195.03	17,390.83	16,636.26	15,927.80	15,262.20	14,636.46	14,047.80
244	20,034.50	19,112.86	18,249.41	17,439.97	16,680.66	15,967.92	15,298.46	14,669.23	14,077.42
245	20,101.00	19,172.91	18,303.65	17,488.96	16,724.91	16,007.90	15,334.57	14,701.84	14,106.88
246	20,167.39	19,232.84	18,357.76	17,537.81	16,769.02	16,047.72	15,370.52	14,734.31	14,136.20
247	20,233.67	19,292.65	18,411.73	17,586.51	16,812.97	16,087.39	15,406.33	14,766.63	14,165.37
248	20,299.83	19,352.33	18,465.56	17,635.08	16,856.78	16,126.91	15,441.99	14,798.80	14,194.40
249	20,365.89	19,411.89	18,519.26	17,683.50	16,900.45	16,166.29	15,477.50	14,830.83	14,223.28
250	20,431.84	19,471.33	18,572.83	17,731.78	16,943.97	16,205.52	15,512.86	14,862.71	14,252.02
251	20,497.67	19,530.64	18,626.27	17,779.92	16,987.34	16,244.60	15,548.08	14,894.44	14,280.62
252	20,563.40	19,589.83	18,679.57	17,827.93	17,030.58	16,283.54	15,583.15	14,926.03	14,309.08
253	20,629.02	19,648.89	18,732.74	17,875.79	17,073.66	16,322.33	15,618.07	14,957.48	14,337.39
254	20,694.53	19,707.83	18,785.77	17,923.51	17,116.61	16,360.98	15,652.85	14,988.78	14,365.56
255	20,759.93	19,766.65	18,838.67	17,971.09	17,159.41	16,399.48	15,687.49	15,019.94	14,393.59
256	20,825.22	19,825.35	18,891.45	18,018.54	17,202.07	16,437.84	15,721.98	15,050.95	14,421.49
257	20,890.40	19,883.93	18,944.09	18,065.85	17,244.59	16,476.05	15,756.33	15,081.83	14,449.24
258	20,955.48	19,942.38	18,996.59	18,113.02	17,286.96	16,514.12	15,790.53	15,112.56	14,476.85
259	21,020.44	20,000.71	19,048.97	18,160.05	17,329.20	16,552.05	15,824.60	15,143.16	14,504.33
260	21,085.30	20,058.92	19,101.22	18,206.95	17,371.30	16,589.84	15,858.52	15,173.61	14,531.67
261	21,150.05	20,117.01	19,153.34	18,253.71	17,413.25	16,627.49	15,892.30	15,203.92	14,558.88
262	21,214.69	20,174.98	19,205.32	18,300.33	17,455.07	16,664.99	15,925.95	15,234.10	14,585.95
263	21,279.23	20,232.83	19,257.18	18,346.82	17,496.75	16,702.36	15,959.45	15,264.14	14,612.89
264	21,343.65	20,290.56	19,308.91	18,393.17	17,538.28	16,739.59	15,992.81	15,294.04	14,639.69
265	21,407.97	20,348.16	19,360.51	18,439.39	17,579.69	16,776.67	16,026.04	15,323.81	14,666.36
266	21,472.19	20,405.65	19,411.98	18,485.48	17,620.95	16,813.62	16,059.12	15,353.44	14,692.89
267	21,536.29	20,463.02	19,463.32	18,531.43	17,662.08	16,850.43	16,092.07	15,382.93	14,719.29

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
268	21,600.29	20,520.27	19,514.53	18,577.24	17,703.07	16,887.11	16,124.89	15,412.29	14,745.57
269	21,664.19	20,577.40	19,565.62	18,622.93	17,743.92	16,923.64	16,157.56	15,441.52	14,771.71
270	21,727.97	20,634.41	19,616.58	18,668.48	17,784.64	16,960.04	16,190.10	15,470.61	14,797.72
271	21,791.65	20,691.30	19,667.41	18,713.89	17,825.22	16,996.31	16,222.51	15,499.57	14,823.60
272	21,855.23	20,748.08	19,718.11	18,759.18	17,865.67	17,032.43	16,254.78	15,528.40	14,849.36
273	21,918.70	20,804.74	19,768.69	18,804.33	17,905.98	17,068.43	16,286.92	15,557.10	14,874.98
274	21,982.06	20,861.28	19,819.14	18,849.36	17,946.16	17,104.29	16,318.92	15,585.66	14,900.48
275	22,045.32	20,917.70	19,869.47	18,894.25	17,986.21	17,140.01	16,350.80	15,614.10	14,925.85
276	22,108.47	20,974.00	19,919.67	18,939.01	18,026.12	17,175.60	16,382.53	15,642.41	14,951.09
277	22,171.52	21,030.19	19,969.74	18,983.64	18,065.90	17,211.06	16,414.14	15,670.58	14,976.21
278	22,234.46	21,086.26	20,019.70	19,028.14	18,105.55	17,246.39	16,445.62	15,698.63	15,001.21
279	22,297.30	21,142.21	20,069.52	19,072.51	18,145.06	17,281.58	16,476.96	15,726.55	15,026.08
280	22,360.03	21,198.05	20,119.22	19,116.76	18,184.45	17,316.64	16,508.18	15,754.34	15,050.82
281	22,422.66	21,253.77	20,168.80	19,160.87	18,223.70	17,351.58	16,539.27	15,782.01	15,075.44
282	22,485.18	21,309.38	20,218.26	19,204.86	18,262.83	17,386.38	16,570.22	15,809.55	15,099.94
283	22,547.61	21,364.87	20,267.59	19,248.71	18,301.82	17,421.05	16,601.05	15,836.96	15,124.32
284	22,609.92	21,420.24	20,316.80	19,292.44	18,340.69	17,455.59	16,631.75	15,864.25	15,148.58
285	22,672.14	21,475.50	20,365.88	19,336.05	18,379.42	17,490.00	16,662.33	15,891.41	15,172.72
286	22,734.24	21,530.64	20,414.84	19,379.52	18,418.03	17,524.29	16,692.77	15,918.46	15,196.73
287	22,796.25	21,585.67	20,463.68	19,422.87	18,456.51	17,558.44	16,723.10	15,945.37	15,220.63
288	22,858.15	21,640.59	20,512.40	19,466.10	18,494.86	17,592.47	16,753.29	15,972.17	15,244.41
289	22,919.95	21,695.39	20,561.00	19,509.20	18,533.08	17,626.37	16,783.36	15,998.84	15,268.07
290	22,981.65	21,750.08	20,609.48	19,552.17	18,571.17	17,660.15	16,813.30	16,025.39	15,291.61
291	23,043.25	21,804.65	20,657.83	19,595.02	18,609.14	17,693.79	16,843.12	16,051.82	15,315.03
292	23,104.74	21,859.11	20,706.07	19,637.74	18,646.99	17,727.32	16,872.82	16,078.13	15,338.34
293	23,166.13	21,913.46	20,754.18	19,680.34	18,684.71	17,760.71	16,902.39	16,104.31	15,361.53
294	23,227.42	21,967.69	20,802.18	19,722.81	18,722.30	17,793.99	16,931.84	16,130.38	15,384.61
295	23,288.60	22,021.81	20,850.05	19,765.17	18,759.77	17,827.13	16,961.17	16,156.33	15,407.57
296	23,349.69	22,075.82	20,897.81	19,807.39	18,797.11	17,860.16	16,990.38	16,182.17	15,430.42
297	23,410.67	22,129.72	20,945.44	19,849.50	18,834.33	17,893.06	17,019.47	16,207.88	15,453.16
298	23,471.55	22,183.50	20,992.96	19,891.48	18,871.42	17,925.84	17,048.43	16,233.48	15,475.78
299	23,532.33	22,237.18	21,040.36	19,933.34	18,908.39	17,958.49	17,077.27	16,258.96	15,498.28

300	23,593.01	22,290.74	21,087.64	19,975.08	18,945.24	17,991.03	17,106.00	16,284.32	15,520.68
301	23,653.58	22,344.19	21,134.80	20,016.70	18,981.97	18,023.44	17,134.61	16,309.57	15,542.97
302	23,714.06	22,397.53	21,181.85	20,058.20	19,018.57	18,055.73	17,163.09	16,334.70	15,565.14
303	23,774.44	22,450.75	21,228.78	20,099.57	19,055.06	18,087.90	17,191.46	16,359.72	15,587.20
304	23,834.71	22,503.87	21,275.59	20,140.83	19,091.42	18,119.95	17,219.71	16,384.62	15,609.16
305	23,894.89	22,556.88	21,322.28	20,181.97	19,127.66	18,151.88	17,247.85	16,409.41	15,631.00
306	23,954.96	22,609.77	21,368.86	20,222.98	19,163.78	18,183.69	17,275.86	16,434.09	15,652.74
307	24,014.94	22,662.56	21,415.32	20,263.88	19,199.78	18,215.38	17,303.76	16,458.65	15,674.37
308	24,074.81	22,715.24	21,461.67	20,304.66	19,235.66	18,246.96	17,331.55	16,483.11	15,695.89
309	24,134.59	22,767.80	21,507.90	20,345.32	19,271.43	18,278.41	17,359.22	16,507.45	15,717.30
310	24,194.26	22,820.26	21,554.01	20,385.86	19,307.07	18,309.75	17,386.77	16,531.68	15,738.61
311	24,253.84	22,872.61	21,600.01	20,426.28	19,342.59	18,340.97	17,414.22	16,555.80	15,759.81
312	24,313.32	22,924.85	21,645.90	20,466.59	19,378.00	18,372.08	17,441.54	16,579.80	15,780.91
313	24,372.70	22,976.98	21,691.67	20,506.78	19,413.29	18,403.07	17,468.76	16,603.70	15,801.90
314	24,431.98	23,029.00	21,737.33	20,546.85	19,448.46	18,433.94	17,495.86	16,627.50	15,822.78
315	24,491.16	23,080.92	21,782.87	20,586.80	19,483.52	18,464.70	17,522.84	16,651.18	15,843.56
316	24,550.24	23,132.72	21,828.30	20,626.64	19,518.45	18,495.34	17,549.72	16,674.75	15,864.24
317	24,609.23	23,184.42	21,873.61	20,666.36	19,553.28	18,525.87	17,576.49	16,698.22	15,884.82
318	24,668.11	23,236.02	21,918.82	20,705.97	19,587.98	18,556.28	17,603.14	16,721.58	15,905.29
319	24,726.90	23,287.50	21,963.91	20,745.46	19,622.57	18,586.58	17,629.68	16,744.83	15,925.66
320	24,785.59	23,338.88	22,008.88	20,784.84	19,657.05	18,616.77	17,656.11	16,767.98	15,945.93
321	24,844.18	23,390.15	22,053.75	20,824.11	19,691.41	18,646.84	17,682.44	16,791.02	15,966.10
322	24,902.68	23,441.31	22,098.50	20,863.25	19,725.66	18,676.81	17,708.65	16,813.95	15,986.17
323	24,961.08	23,492.37	22,143.15	20,902.29	19,759.79	18,706.66	17,734.76	16,836.79	16,006.14
324	25,019.38	23,543.32	22,187.68	20,941.21	19,793.82	18,736.39	17,760.75	16,859.51	16,026.01
325	25,077.58	23,594.17	22,232.10	20,980.02	19,827.72	18,766.02	17,786.64	16,882.14	16,045.78
326	25,135.69	23,644.91	22,276.41	21,018.71	19,861.52	18,795.54	17,812.42	16,904.66	16,065.46
327	25,193.70	23,695.54	22,320.60	21,057.30	19,895.20	18,824.94	17,838.10	16,927.07	16,085.03
328	25,251.62	23,746.07	22,364.69	21,095.77	19,928.77	18,854.24	17,863.67	16,949.39	16,104.51
329	25,309.43	23,796.49	22,408.67	21,134.13	19,962.23	18,883.43	17,889.13	16,971.60	16,123.89
330	25,367.15	23,846.81	22,452.54	21,172.37	19,995.58	18,912.51	17,914.49	16,993.71	16,143.17
331	25,424.78	23,897.03	22,496.30	21,210.51	20,028.82	18,941.48	17,939.74	17,015.73	16,162.36
332	25,482.31	23,947.14	22,539.95	21,248.53	20,061.94	18,970.34	17,964.88	17,037.64	16,181.45
333	25,539.74	23,997.14	22,583.49	21,286.45	20,094.96	18,999.09	17,989.92	17,059.45	16,200.45
334	25,597.08	24,047.04	22,626.92	21,324.25	20,127.87	19,027.74	18,014.86	17,081.16	16,219.35

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
335	25,654.32	24,096.84	22,670.25	21,361.95	20,160.66	19,056.28	18,039.70	17,102.77	16,238.16
336	25,711.47	24,146.54	22,713.46	21,399.53	20,193.35	19,084.71	18,064.43	17,124.28	16,256.88
337	25,768.52	24,196.13	22,756.57	21,437.01	20,225.93	19,113.03	18,089.06	17,145.70	16,275.50
338	25,825.48	24,245.62	22,799.57	21,474.37	20,258.41	19,141.25	18,113.58	17,167.02	16,294.03
339	25,882.34	24,295.00	22,842.47	21,511.63	20,290.77	19,169.37	18,138.01	17,188.24	16,312.47
340	25,939.11	24,344.29	22,885.25	21,548.78	20,323.03	19,197.38	18,162.33	17,209.36	16,330.82
341	25,995.79	24,393.47	22,927.93	21,585.82	20,355.18	19,225.28	18,186.56	17,230.39	16,349.07
342	26,052.37	24,442.54	22,970.51	21,622.76	20,387.22	19,253.08	18,210.68	17,251.32	16,367.23
343	26,108.85	24,491.52	23,012.97	21,659.58	20,419.15	19,280.78	18,234.70	17,272.16	16,385.31
344	26,165.24	24,540.39	23,055.34	21,696.30	20,450.98	19,308.38	18,258.62	17,292.90	16,403.29
345	26,221.54	24,589.17	23,097.59	21,732.91	20,482.71	19,335.87	18,282.45	17,313.54	16,421.18
346	26,277.74	24,637.84	23,139.74	21,769.42	20,514.33	19,363.25	18,306.17	17,334.10	16,438.99
347	26,333.85	24,686.41	23,181.79	21,805.82	20,545.84	19,390.54	18,329.80	17,354.55	16,456.71
348	26,389.87	24,734.88	23,223.73	21,842.11	20,577.25	19,417.72	18,353.32	17,374.92	16,474.33
249	26,445.79	24,783.24	23,265.57	21,878.30	20,608.56	19,444.80	18,376.75	17,395.19	16,491.88
350	26,501.62	24,831.51	23,307.30	21,914.38	20,639.76	19,471.79	18,400.09	17,415.37	16,509.33
351	26,557.36	24,879.68	23,348.92	21,950.36	20,670.85	19,498.67	18,423.32	17,435.46	16,526.69
352	26,613.01	24,927.75	23,390.45	21,986.24	20,701.85	19,525.44	18,446.46	17,455.45	16,543.97
353	26,668.56	24,975.71	23,431.87	22,022.01	20,732.74	19,552.12	18,469.51	17,475.36	16,561.17
354	26,724.02	25,023.58	23,473.19	22,057.67	20,763.53	19,578.70	18,492.45	17,495.17	16,578.28
355	26,779.39	25,071.35	23,514.40	22,093.23	20,794.21	19,605.18	18,515.31	17,514.90	16,595.30
356	26,834.66	25,119.02	23,555.51	22,128.69	20,824.80	19,631.57	18,538.06	17,534.53	16,612.24
357	26,889.85	25,166.59	23,596.52	22,164.04	20,855.28	19,657.85	18,560.73	17,554.07	16,629.09
358	26,944.94	25,214.06	23,637.43	22,199.30	20,885.66	19,684.03	18,583.30	17,573.53	16,645.87
359	26,999.94	25,261.43	23,678.23	22,234.45	20,915.94	19,710.12	18,605.77	17,592.89	16,662.55
360	27,054.85	25,308.70	23,718.93	22,269.49	20,946.12	19,736.11	18,628.16	17,612.17	16,679.16
361	27,109.66	25,355.88	23,759.53	22,304.44	20,976.20	19,762.00	18,650.45	17,631.36	16,695.68
362	27,164.39	25,402.96	23,800.03	22,339.28	21,006.18	19,787.80	18,672.64	17,650.46	16,712.12
363	27,219.02	25,449.94	23,840.43	22,374.03	21,036.06	19,813.50	18,694.75	17,669.48	16,728.48
364	27,273.57	25,496.82	23,880.73	22,408.67	21,065.84	19,839.10	18,716.76	17,688.41	16,744.75
365	27,328.02	25,543.60	23,920.93	22,443.21	21,095.52	19,864.61	18,738.68	17,707.25	16,760.95

366	27,382.38	25,590.29	23,961.03	22,477.65	21,125.10	19,890.02	18,760.52	17,726.00	16,777.06
361	27,436.66	25,636.88	24,001.02	22,511.99	21,154.59	19,915.34	18,782.26	17,744.67	16,793.10
368	27,490.84	25,683.37	24,040.92	22,546.23	21,183.97	19,940.56	18,803.91	17,763.26	16,809.05
369	27,544.93	25,729.77	24,080.72	22,580.37	21,213.26	19,965.69	18,825.47	17,781.76	16,824.93
370	27,598.93	25,776.07	24,120.42	22,614.41	21,242.46	19,990.73	18,846.94	17,800.17	16,840.72
371	27,652.84	25,822.27	24,160.02	22,648.35	21,271.55	20,015.67	18,868.32	17,818.51	16,856.44
372	27,706.67	25,868.38	24,199.52	22,682.20	21,300.55	20,040.51	18,889.61	17,836.75	16,872.08
373	27,760.40	25,914.39	24,238.92	22,715.94	21,329.45	20,065.27	18,910.82	17,854.92	16,887.64
374	27,814.04	25,960.31	24,278.23	22,749.59	21,358.26	20,089.93	18,931.94	17,873.00	16,903.13
375	27,867.60	26,006.13	24,317.43	22,783.14	21,386.97	20,114.50	18,952.96	17,891.00	16,918.53
376	27,921.06	26,051.85	24,356.54	22,816.59	21,415.58	20,138.98	18,973.91	17,908.92	16,933.86
377	27,974.44	26,097.48	24,395.55	22,849.94	21,444.10	20,163.37	18,994.76	17,926.75	16,949.12
378	28,027.72	26,143.02	24,434.47	22,883.20	21,472.53	20,187.67	19,015.53	17,944.51	16,964.30
379	28,080.92	26,188.46	24,473.28	22,916.36	21,500.86	20,211.87	19,036.21	17,962.18	16,979.40
380	28,134.03	26,233.80	24,512.00	22,949.42	21,529.09	20,235.99	19,056.81	17,979.77	16,994.43
381	28,187.05	26,279.06	24,550.63	22,982.39	21,557.24	20,260.01	19,077.32	17,997.29	17,009.38
382	28,239.99	26,324.21	24,589.15	23,015.26	21,585.28	20,283.95	19,097.75	18,014.72	17,024.26
383	28,292.83	26,369.28	24,627.59	23,048.04	21,613.24	20,307.79	19,118.09	18,032.07	17,039.06
384	28,345.59	26,414.25	24,665.92	23,080.72	21,641.10	20,331.55	19,138.34	18,049.35	17,053.79
385	28,398.26	26,459.13	24,704.16	23,113.31	21,668.87	20,355.22	19,158.52	18,066.54	17,068.45
386	28,450.84	26,503.91	24,742.30	23,145.80	21,696.55	20,378.80	19,178.61	18,083.66	17,083.04
387	28,503.34	26,548.60	24,780.35	23,178.20	21,724.14	20,402.29	19,198.61	18,100.70	17,097.55
388	28,555.74	26,593.20	24,818.31	23,210.50	21,751.63	20,425.69	19,218.54	18,117.66	17,111.99
389	28,608.06	26,637.70	24,856.17	23,242.71	21,779.03	20,449.01	19,238.38	18,134.54	17,126.36
390	28,660.30	26,682.11	24,893.93	23,274.82	21,806.35	20,472.24	19,258.13	18,151.35	17,140.65
391	28,712.44	26,726.43	24,931.60	23,306.85	21,833.57	20,495.38	19,277.81	18,168.08	17,154.88
392	28,764.50	26,770.66	24,969.18	23,338.77	21,860.70	20,518.43	19,297.40	18,184.73	17,169.03
393	28,816.47	26,814.80	25,006.66	23,370.61	21,887.74	20,541.40	19,316.92	18,201.31	17,183.12
394	28,868.36	26,858.84	25,044.05	23,402.35	21,914.69	20,564.29	19,336.35	18,217.81	17,197.13
395	28,920.16	26,902.79	25,081.35	23,434.00	21,941.55	20,587.09	19,355.70	18,234.24	17,211.08
396	28,971.87	26,946.66	25,118.55	23,465.56	21,968.32	20,609.80	19,374.97	18,250.59	17,224.95
397	29,023.50	26,990.43	25,155.66	23,497.03	21,995.01	20,632.43	19,394.16	18,266.86	17,238.76
398	29,075.04	27,034.10	25,192.68	23,528.40	22,021.60	20,654.97	19,413.27	18,283.07	17,252.50
399	29,126.50	27,077.69	25,229.61	23,559.69	22,048.11	20,677.43	19,432.30	18,299.19	17,266.17
400	29,177.87	27,121.19	25,266.44	23,590.88	22,074.53	20,699.81	19,451.26	18,315.25	17,279.77

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
401	29,229.15	27,164.60	25,303.18	23,621.98	22,100.86	20,722.10	19,470.13	18,331.23	17,293.30
402	29,280.35	27,207.91	25,339.83	23,653.00	22,127.10	20,744.31	19,488.93	18,347.14	17,306.77
403	29,331.47	27,251.14	25,376.39	23,683.92	22,153.26	20,766.43	19,507.65	18,362.98	17,320.17
404	29,382.50	27,294.28	25,412.86	23,714.75	22,179.33	20,788.48	19,526.29	18,378.74	17,333.50
405	29,433.44	27,337.32	25,449.24	23,745.49	22,205.31	20,810.44	19,544.85	18,394.43	17,346.76
406	29,484.30	27,380.28	25,485.52	23,776.15	22,231.20	20,832.32	19,563.34	18,410.05	17,359.96
407	29,535.07	27,423.15	25,521.72	23,806.71	22,257.01	20,854.11	19,581.75	18,425.60	17,373.10
408	29,585.76	27,465.93	25,557.83	23,837.18	22,282.74	20,875.83	19,600.08	18,441.08	17,386.17
409	29,636.37	27,508.62	25,593.84	23,867.51	22,308.38	20,897.46	19,618.33	18,456.49	17,399.17
410	29,686.89	27,551.22	25,629.77	23,897.87	22,333.93	20,919.02	19,636.52	18,471.83	17,412.11
411	29,737.33	27,593.74	25,665.60	23,928.08	22,359.40	20,940.49	19,654.62	18,487.09	17,424.99
412	29,787.68	27,636.16	25,701.35	23,958.20	22,384.78	20,961.88	19,672.65	18,502.29	17,437.80
413	29,837.95	27,678.50	25,737.01	23,988.23	22,410.08	20,983.20	19,690.61	18,517.42	17,450.54
414	29,888.14	27,720.74	25,772.58	24,018.18	22,435.30	21,004.43	19,708.49	18,532.48	17,463.23
415	29,938.24	27,762.91	25,808.06	24,048.04	22,460.43	21,025.58	19,726.30	18,547.47	17,475.85
416	29,988.26	27,804.98	25,843.45	24,077.81	22,485.48	21,046.66	19,744.03	18,562.39	17,488.41
417	30,038.20	27,846.96	25,878.75	24,107.50	22,510.44	21,067.66	19,761.69	18,577.25	17,500.90
418	30,088.05	27,888.86	25,913.96	24,137.10	22,535.33	21,088.57	19,779.28	18,592.03	17,513.34
419	30,137.82	27,930.67	25,949.09	24,166.61	22,560.13	21,109.41	19,796.79	18,606.75	17,525.71
420	30,187.51	27,972.40	25,984.13	24,196.04	22,584.84	21,130.18	19,814.23	18,621.40	17,538.02
421	30,237.12	28,014.03	26,019.08	24,225.39	22,609.48	21,150.86	19,831.60	18,635.99	17,550.27
422	30,286.64	28,055.59	26,053.95	24,254.64	22,634.03	21,171.47	19,848.89	18,650.51	17,562.45
423	30,336.08	28,097.05	26,088.73	24,283.82	22,658.50	21,192.00	19,866.12	18,664.96	17,574.58
424	30,385.44	28,138.43	26,123.42	24,312.90	22,682.89	21,212.45	19,883.27	18,679.35	17,586.65
425	30,434.71	28,179.72	26,158.02	24,341.91	22,707.20	21,232.83	19,900.35	18,693.67	17,598.65
426	30,483.90	28,220.93	26,192.54	24,370.82	22,731.43	21,253.13	19,917.36	18,707.92	17,610.60
427	30,533.02	28,262.05	26,226.97	24,399.66	22,755.58	21,273.35	19,934.30	18,722.11	17,622.49
428	30,582.05	28,303.08	26,261.32	24,428.41	22,779.65	21,293.50	19,951.18	18,736.24	17,634.32
429	30,630.99	28,344.03	26,295.58	24,457.08	22,803.63	21,313.58	19,967.98	18,750.30	17,646.09
430	30,679.86	28,384.90	26,329.76	24,485.66	22,827.54	21,333.57	19,984.71	18,764.30	17,657.80
431	30,728.65	28,425.68	26,363.85	24,514.16	22,851.37	21,353.50	20,001.37	18,778.23	17,669.45

432	30,777.35	28,466.37	26,397.85	24,542.58	22,875.12	21,373.35	20,017.96	18,792.10	17,681.05
433	30,825.97	28,506.98	26,431.77	24,570.91	22,898.79	21,393.12	20,034.48	18,805.91	17,692.58
434	30,874.52	28,547.51	26,465.61	24,599.16	22,922.38	21,412.83	20,050.94	18,819.65	17,704.06
435	30,922.98	28,587.95	26,499.36	24,627.33	22,945.90	21,432.45	20,067.32	18,833.33	17,715.48
436	30,971.36	28,628.31	26,533.03	24,655.42	22,969.33	21,452.01	20,083.64	18,846.95	17,726.85
437	31,019.66	28,668.58	26,566.61	24,683.43	22,992.69	21,471.49	20,099.89	18,860.50	17,738.16
438	31,067.88	28,708.77	26,600.11	24,711.35	23,015.97	21,490.90	20,116.07	18,874.00	17,749.41
439	31,116.02	28,748.88	26,633.53	24,739.20	23,039.17	21,510.24	20,132.19	18,887.43	17,760.61
440	31,164.08	28,788.90	26,666.86	24,766.93	23,062.30	21,529.50	20,148.24	18,900.80	17,771.75
441	31,212.06	28,828.84	26,700.11	24,794.64	23,085.35	21,548.69	20,164.22	18,914.11	17,782.84
442	31,259.96	28,868.70	26,733.28	24,822.25	23,108.32	21,567.81	20,180.14	18,927.36	17,793.87
443	31,307.78	28,908.47	26,766.36	24,849.77	23,131.22	21,586.86	20,195.99	18,940.55	17,804.84
444	31,355.52	28,948.16	26,799.36	24,877.21	23,154.04	21,605.84	20,211.77	18,953.68	17,815.76
445	31,403.18	28,987.77	26,832.28	24,904.57	23,176.78	21,624.75	20,227.49	18,966.75	17,826.63
446	31,450.76	29,027.30	26,865.12	24,931.85	23,199.45	21,643.59	20,243.14	18,979.76	17,837.44
447	31,498.27	29,066.74	26,897.88	24,959.05	23,222.04	21,662.35	20,258.73	18,992.71	17,848.20
448	31,545.69	29,106.11	26,930.55	24,986.18	23,244.56	21,681.05	20,274.26	19,005.60	17,858.91
449	31,593.04	29,145.39	26,963.14	25,013.22	23,267.00	21,699.67	20,289.72	19,018.43	17,869.56
450	31,640.30	29,184.58	26,995.65	25,040.19	23,289.37	21,718.23	20,305.11	19,031.20	17,880.16
451	31,687.49	29,223.70	27,028.08	25,067.08	23,311.67	21,736.72	20,320.44	19,043.92	17,890.71
452	31,734.60	29,262.74	27,060.43	25,093.89	23,333.89	21,755.14	20,335.71	19,056.58	17,901.20
453	31,781.63	29,301.69	27,092.70	25,120.62	23,356.03	21,773.49	20,350.91	19,069.18	17,911.64
454	31,828.58	29,340.57	27,124.89	25,147.27	23,378.11	21,791.77	20,366.06	19,081.72	17,922.03
455	31,875.46	29,379.36	27,156.99	25,173.85	23,400.11	21,809.98	20,381.13	19,094.20	17,932.37
456	31,922.25	29,418.07	27,189.02	25,200.35	23,422.03	21,828.12	20,396.15	19,106.63	17,942.66
457	31,968.97	29,456.70	27,220.97	25,226.77	23,443.89	21,846.20	20,411.10	19,119.00	17,952.89
458	32,015.61	29,495.26	27,252.84	25,253.11	23,465.67	21,864.21	20,426.00	19,131.32	17,963.08
459	32,062.17	29,533.73	27,284.63	25,279.38	23,487.38	21,882.15	20,440.83	19,143.58	17,973.21
460	32,108.66	29,572.12	27,316.33	25,305.57	23,509.01	21,900.03	20,455.59	19,155.78	17,983.29
461	32,155.07	29,610.43	27,347.97	25,331.69	23,530.58	21,917.83	20,470.30	19,167.93	17,993.33
462	32,201.40	29,648.66	27,379.52	25,357.73	23,552.07	21,935.58	20,484.95	19,180.02	18,003.31
463	32,247.65	29,686.81	27,410.99	25,383.69	23,573.49	21,953.25	20,499.53	19,192.05	18,013.24
464	32,293.83	29,724.89	27,442.38	25,409.58	23,594.84	21,970.86	20,514.06	19,204.04	18,023.13
465	32,339.93	29,762.88	27,473.70	25,435.40	23,616.12	21,988.40	20,528.52	19,215.96	18,032.96

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
466	32,385.95	29,800.80	27,504.94	25,461.13	23,637.33	22,005.88	20,542.93	19,227.83	18,042.75
467	32,431.90	29,838.63	27,536.10	25,486.80	23,658.47	22,023.29	20,557.27	19,239.65	18,052.49
468	32,477.77	29,876.39	27,567.18	25,512.39	23,679.54	22,040.64	20,571.56	19,251.42	18,062.18
469	32,523.56	29,914.07	27,598.18	25,537.90	23,700.54	22,057.93	20,585.78	19,263.13	18,071.82
470	32,569.28	29,951.67	27,629.11	25,563.34	23,721.46	22,075.14	20,599.95	19,274.78	18,081.41
471	32,614.92	29,989.19	27,659.96	25,588.71	23,742.32	22,092.30	20,614.06	19,286.39	18,090.96
472	32,660.49	30,026.64	27,690.73	25,614.00	23,763.11	22,109.39	20,628.11	19,297.94	18,100.45
473	32,705.98	30,064.00	27,721.43	25,639.22	23,783.83	22,126.41	20,642.10	19,309.44	18,109.90
474	32,751.39	30,101.29	27,752.05	25,664.37	23,804.48	22,143.38	20,656.03	19,320.88	18,119.31
475	32,796.73	30,138.50	27,782.59	25,689.44	23,825.07	22,160.27	20,669.91	19,332.28	18,128.66
476	32,842.00	30,175.64	27,813.06	25,714.44	23,845.58	22,177.11	20,683.72	19,343.62	18,137.97
477	32,887.18	30,212.69	27,843.45	25,739.36	23,866.03	22,193.88	20,697.48	19,354.91	18,147.24
478	32,932.30	30,249.67	27,873.77	25,764.22	23,886.41	22,210.59	20,711.19	19,366.15	18,156.46
479	32,977.34	30,286.58	27,904.01	25,789.00	23,906.72	22,227.24	20,724.83	19,377.34	18,165.63
480	33,022.30	30,323.40	27,934.17	25,813.71	23,926.96	22,243.83	20,738.42	19,388.47	18,174.75

**MORTALITY TABLES AS PROVIDED IN ACT NO. 457, APPROVED
AUGUST 31, 1953**

1941 CSO Mortality Table—Commissioners Standard Ordinary

Age	Number Living	Deaths Each Year	Death Rate per 1000	Expectation of Life (Yrs.)	Age	Number Living	Deaths Each Year	Death Rate per 1000	Expectation of Life (Yrs.)
0	1,023,102	23,102	22.58	62.35	50	810,900	9,990	12.32	21.37
1	1,000,000	5,770	5.77	62.76	51	800,910	10,628	13.27	20.64
2	994,230	4,116	4.14	62.12	52	790,282	11,301	14.30	19.91
3	990,114	3,347	3.38	61.37	53	778,981	12,020	15.43	19.19
4	986,767	2,950	2.99	60.58	54	766,961	12,770	16.65	18.48
5	983,817	2,715	2.76	59.76	55	754,191	13,560	17.98	17.78
6	981,102	2,561	2.61	58.92	56	740,631	14,390	19.43	17.10
7	978,541	2,417	2.47	58.08	57	726,241	15,251	21.00	16.43
8	976,124	2,255	2.31	57.22	58	710,990	16,147	22.71	15.77
9	973,869	2,065	2.12	56.35	59	694,843	17,072	24.57	15.13
10	971,804	1,914	1.97	55.47	60	677,771	18,022	26.59	14.50
11	969,890	1,852	1.91	54.58	61	659,749	18,988	28.78	13.88
12	968,038	1,859	1.92	53.68	62	640,761	19,979	31.18	13.27
13	966,179	1,913	1.98	52.78	63	620,782	20,958	33.79	12.69
14	964,266	1,996	2.07	51.89	64	599,824	21,942	36.58	12.11
15	962,270	2,069	2.15	50.99	65	577,882	22,907	39.64	11.55
16	960,201	2,103	2.19	50.10	66	554,975	23,842	42.96	11.01
17	958,098	2,156	2.25	49.21	67	531,133	24,730	46.56	10.48
18	955,942	2,199	2.30	48.32	68	506,403	25,553	50.46	9.97
19	953,743	2,260	2.37	47.43	69	480,850	26,302	54.70	9.47
20	951,483	2,312	2.43	46.54	70	454,548	26,955	59.30	8.99
21	949,171	2,382	2.51	45.66	71	427,593	27,481	64.27	8.52
22	946,789	2,452	2.59	44.77	72	400,112	27,872	69.66	8.08
23	944,337	2,531	2.68	43.88	73	372,240	28,104	75.50	7.64
24	941,806	2,609	2.77	43.00	74	344,136	28,154	81.81	7.23
25	939,197	2,705	2.88	42.12	75	315,982	28,009	88.64	6.82
26	936,492	2,800	2.99	41.24	76	287,973	27,651	96.02	6.44
27	933,692	2,904	3.11	40.36	77	260,322	27,071	103.99	6.07
28	930,788	3,025	3.25	39.49	78	233,251	26,262	112.59	5.72
29	927,763	3,154	3.40	38.61	79	206,989	25,224	121.86	5.38
30	924,609	3,292	3.56	37.74	80	181,765	23,966	131.85	5.06
31	921,317	3,437	3.73	36.88	81	157,799	22,502	142.60	4.75
32	917,880	3,598	3.92	36.01	82	135,297	20,857	154.16	4.46
33	914,282	3,767	4.12	35.15	83	114,440	19,062	166.57	4.18
34	910,515	3,961	4.35	34.29	84	95,378	17,157	179.88	3.91
35	906,554	4,161	4.59	33.44	85	78,221	15,185	194.13	3.66
36	902,393	4,386	4.86	32.59	86	63,036	13,198	209.37	3.42
37	898,007	4,625	5.15	31.75	87	49,838	11,245	225.63	3.19
38	893,382	4,878	5.46	30.91	88	38,593	9,378	243.00	2.98
39	888,504	5,162	5.81	30.08	89	29,215	7,638	261.44	2.77
40	883,342	5,459	6.18	29.25	90	21,577	6,063	280.99	2.58
41	877,883	5,785	6.59	28.43	91	15,514	4,681	301.73	2.39
42	872,098	6,131	7.03	27.62	92	10,833	3,506	323.64	2.21
43	865,967	6,503	7.51	26.81	93	7,327	2,540	346.66	2.03
44	859,464	6,910	8.04	26.01	94	4,787	1,776	371.00	1.84
45	852,554	7,340	8.61	25.21	95	3,011	1,193	396.21	1.63
46	845,214	7,801	9.23	24.43	96	1,818	813	447.19	1.37
47	837,413	8,299	9.91	23.65	97	1,005	551	548.26	1.08
48	829,114	8,822	10.64	22.88	98	454	329	724.67	.78
49	820,292	9,392	11.45	22.12	99	125	125	1,000.00	.50

**MORTALITY TABLES AS PROVIDED IN ACT NO. 457, APPROVED
AUGUST 31, 1953**

American Experience Table of Mortality

AGE	Number Living	Deaths Each Year	Death Rate per 1000	Expectation of Life (Yrs.)	AGE	Number Living	Deaths Each Year	Death Rate per 1000	Expectation of Life (Yrs.)
10	100,000	749	7.49	48.72	55	64,563	1,199	18.57	17.40
11	99,251	746	7.52	48.08	56	63,364	1,260	19.89	16.72
12	98,505	743	7.54	47.45	57	62,104	1,325	21.34	16.05
13	97,762	740	7.57	46.80	58	60,779	1,394	22.94	15.39
14	97,022	737	7.60	46.16	59	59,385	1,468	24.72	14.74
15	96,285	735	7.63	45.50	60	57,917	1,546	26.69	14.10
16	95,550	732	7.66	44.85	61	56,371	1,628	28.88	13.47
17	94,818	729	7.69	44.19	62	54,743	1,713	31.29	12.86
18	94,089	727	7.73	43.53	63	53,030	1,800	33.94	12.26
19	93,362	725	7.77	42.87	64	51,230	1,889	36.87	11.67
20	92,637	723	7.81	42.20	65	49,341	1,980	40.13	11.10
21	91,914	722	7.86	41.53	66	47,361	2,070	43.71	10.54
22	91,192	721	7.91	40.85	67	45,291	2,158	47.65	10.00
23	90,471	720	7.96	40.17	68	43,133	2,243	52.00	9.47
24	89,751	719	8.01	39.49	69	40,890	2,321	56.76	8.97
25	89,032	718	8.07	38.81	70	38,569	2,391	61.99	8.48
26	88,314	718	8.13	38.12	71	36,178	2,448	67.57	8.00
27	87,596	718	8.20	37.43	72	33,730	2,487	73.73	7.55
28	86,878	718	8.26	36.73	73	31,243	2,505	80.18	7.11
29	86,160	719	8.35	36.03	74	28,738	2,501	87.03	6.68
30	85,441	720	8.43	35.33	75	26,237	2,476	94.37	6.27
31	84,721	721	8.51	34.63	76	23,761	2,431	102.31	5.88
32	84,000	723	8.61	33.92	77	21,330	2,369	111.06	5.49
33	83,277	726	8.72	33.21	78	18,961	2,291	120.83	5.11
34	82,551	729	8.83	32.50	79	16,670	2,196	131.73	4.74
35	81,822	732	8.95	31.78	80	14,474	2,091	144.47	4.39
36	81,090	737	9.09	31.07	81	12,383	1,964	158.61	4.05
37	80,353	742	9.23	30.35	82	10,419	1,816	174.30	3.71
38	79,611	749	9.41	29.62	83	8,603	1,648	191.56	3.39
39	78,862	756	9.59	28.90	84	6,955	1,470	211.36	3.08
40	78,106	765	9.79	28.18	85	5,485	1,292	235.55	2.77
41	77,341	774	10.01	27.45	86	4,193	1,114	265.68	2.47
42	76,567	785	10.25	26.72	87	3,079	933	303.02	2.18
43	75,782	797	10.52	26.00	88	2,146	744	346.69	1.91
44	74,985	812	10.83	25.27	89	1,402	555	395.86	1.66
45	74,173	828	11.16	24.54	90	847	385	454.55	1.42
46	73,345	848	11.56	23.81	91	462	246	532.47	1.19
47	72,497	870	12.00	23.08	92	216	137	634.26	.98
48	71,627	896	12.51	22.36	93	79	58	734.18	.80
49	70,731	927	13.11	21.63	94	21	18	857.14	.64
50	69,804	962	13.78	20.91	95	3	3	1000.00	.50
51	68,842	1,001	14.54	20.20					
52	67,841	1,044	15.39	19.49					
53	66,797	1,091	16.33	18.79					
54	65,706	1,143	17.40	18.09					

MORTALITY TABLE AS PROVIDED IN ACT NO. 457,

APPROVED AUGUST 31, 1953

1958 C S O Mortality Table—Commissioner's Standard Ordinary

Age	Number Living	Deaths Each Year	Death Rate Per 1,000	Age	Number Living	Deaths Each Year	Death Rate Per 1,000
0	10,000,000	70,800	7.08	50	8,762,306	72,902	8.32
1	9,929,200	17,475	1.76	51	8,689,404	79,160	9.11
2	9,911,725	15,066	1.52	52	8,610,244	85,758	9.96
3	9,896,659	14,449	1.46	53	8,524,486	92,832	10.89
4	9,882,210	13,835	1.40	54	8,431,654	100,337	11.90
5	9,868,375	13,322	1.35	55	8,331,317	108,307	13.00
6	9,855,053	12,812	1.30	56	8,223,010	116,849	14.21
7	9,842,241	12,401	1.26	57	8,106,161	125,970	15.54
8	9,829,840	12,091	1.23	58	7,980,191	135,663	17.00
9	9,817,749	11,879	1.21	59	7,844,528	145,830	18.59
10	9,805,870	11,865	1.21	60	7,698,698	156,592	20.34
11	9,794,005	12,047	1.23	61	7,542,106	167,736	22.24
12	9,781,958	12,325	1.26	62	7,374,370	179,271	24.31
13	9,769,633	12,896	1.32	63	7,195,099	191,174	26.57
14	9,756,737	13,562	1.39	64	7,003,925	203,394	29.04
15	9,743,175	14,225	1.46	65	6,800,531	215,917	31.75
16	9,728,950	14,983	1.54	66	6,584,614	228,749	34.74
17	9,713,967	15,737	1.62	67	6,355,865	241,777	38.04
18	9,698,230	16,390	1.69	68	6,114,088	254,835	41.68
19	9,681,840	16,846	1.74	69	5,859,253	267,241	45.61
20	9,664,994	17,300	1.79	70	5,592,012	278,426	49.79
21	9,647,694	17,655	1.83	71	5,313,586	287,731	54.15
22	9,630,039	17,912	1.86	72	5,025,855	294,766	58.65
23	9,612,127	18,167	1.89	73	4,731,089	299,289	63.26
24	9,593,960	18,324	1.91	74	4,431,800	301,894	68.12
25	9,575,636	18,481	1.93	75	4,129,906	303,011	73.37
26	9,557,155	18,732	1.96	76	3,826,895	303,014	79.18
27	9,538,423	18,981	1.99	77	3,523,881	301,997	85.70
28	9,519,442	19,324	2.03	78	3,221,884	299,829	93.06
29	9,500,118	19,760	2.08	79	2,922,055	295,683	101.19
30	9,480,358	20,193	2.13	80	2,626,372	288,848	109.98
31	9,460,165	20,718	2.19	81	2,337,524	278,983	119.35
32	9,439,447	21,239	2.25	82	2,058,541	265,902	129.17
33	9,418,208	21,850	2.32	83	1,792,639	249,858	139.38
34	9,396,358	22,551	2.40	84	1,542,781	231,433	150.01
35	9,373,807	23,528	2.51	85	1,311,348	211,311	161.14
36	9,350,279	24,685	2.64	86	1,100,037	190,108	172.82
37	9,325,594	26,112	2.80	87	909,929	168,455	185.13
38	9,299,482	27,991	3.01	88	741,474	146,997	198.25
39	9,271,491	30,132	3.25	89	594,477	126,303	212.46
40	9,241,359	32,622	3.53	90	468,174	106,809	228.14
41	9,208,737	35,362	3.84	91	361,365	88,813	245.77
42	9,173,375	38,253	4.17	92	272,552	72,480	265.93
43	9,135,122	41,382	4.53	93	200,072	57,881	289.30
44	9,093,740	44,741	4.92	94	142,191	45,026	316.66
45	9,048,999	48,412	5.35	95	97,165	34,128	351.24
46	9,000,587	52,473	5.83	96	63,037	25,250	400.56
47	8,948,114	56,910	6.36	97	37,787	18,456	488.42
48	8,891,204	61,794	6.95	98	19,331	12,916	668.15
49	8,829,410	67,104	7.60	99	6,415	6,415	1,000.00

LEGAL & CONTRACT INTEREST RATES, BY STATES,
1925 AND JANUARY 1, 1959

	Legal Rates		Contract Rates	
	1925	1959	1925	1959
Alabama	8%	6*%	8%	8%
Alaska	8	6*	12	8*
Arizona	6	6	10	8*
Arkansas	6	6	10	10
California	7	7	12	10*
Colorado	8	6*	No limit	No limit
Connecticut	7	6*	12	12
Delaware	6	6	6	6
Dist. of Col.	6	6	8	8
Florida	8	6*	10	10(1)
Georgia	7	7	8	8
Hawaii	8	6*	1% per month	12
Idaho	7	6*	10	8*
Illinois	5	5	7	7
Indiana	6	6	8	8
Iowa	6	5*	8	7*
Kansas	6	6	10	10
Kentucky	6	6	6	6
Louisiana	5	5	8	8
Maine	6	6	No limit	No limit
Maryland	6	6	6	6
Massachusetts	6	6	No limit	No limit
Michigan	5	5	7	7
Minnesota	6	6	8	8
Mississippi	6	6	8	8
Missouri	6	6	8	8
Montana	8	6*	10	10
Nebraska	7	6*	10	9*
Nevada	7	7	10	12*
New Hampshire	6	6	No limit	No limit
New Jersey	6	6	6	6
New Mexico	6	6	12	10*(2)
New York	6	6	6	6
North Carolina	6	6	6	6
North Dakota	6	4*	9	7*
Ohio	6	6	8	8
Oklahoma	6	6	10	10
Oregon	6	6	10	10(3)
Pennsylvania	6	6	6	6
Rhode Island	6	6	30	30
South Carolina	7	6*	8	7*
South Dakota	7	6*	10	8*
Tennessee	6	6	6	6
Texas	6	6	10	10
Utah	8	6*	12	10*

**LEGAL & CONTRACT INTEREST RATES, BY STATES,
1925 AND JANUARY 1, 1959—Continued**

	Legal Rates		Contract Rates	
	1925	1959	1925	1959
Vermont	6%	6%	6%	6%
Virginia	6	6	6	6
Washington	6	6	12	12
West Virginia	6	6	6	6
Wisconsin	6	5*	10	10
Wyoming	7	7	10	10

* Signals a change from 1925 to January 1, 1959

- (1) 15% for corporations
- (2) 12% if loans unsecured
- (3) 12% for corporations

This table summarizes only the broad, general provisions of state laws setting maximum legal and contract rates of interest, and it does not summarize rates fixed for special types of loans, such as instalment loans and loans under the small loan laws.

The parties to a transaction may agree on a specific rate of interest. The maximum rate that may be agreed upon is usually fixed by law. This is the "contract rate."

If a specific rate is not agreed upon, then the maximum rate that may be taken is the "legal rate," fixed by law in all states.

Interest in excess of the rate permitted by law is usurious. All states provide penalties for taking such interest.

Many state statutes provide that the defense of usury is not available to a corporation.

For a more detailed explanation of legal and contract rates of interest and of state and federal usury laws, see *Paton's Digest of Legal Opinions*, Interest and Usury, particularly sections 2:1, 2:2, 21 and 22.

Source: Data prepared by Legal Department, American Bankers Association.

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Explanatory note—General Acts with local application on a population basis, which apply to only one or two counties or municipalities according to the 1950 census, are indexed under the names of the counties or municipalities as well as under the population classification.

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